THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1886.

BENGAL SECRETARIAT LIBRARY.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1887.

TABLE OF CONTENTS.

RESOLUTION BY THE CHIEF COMMISSIONER.

	Para.	Page.
Submission of report	1	1
Cases reported and brought before Courts	2	ib.
Cases rejected as false...	3	2
Security for good behaviour	4	ib.
Convictions and acquittals or discharges	5	3
Duration of cases in Magistrates' Courts	6	ib.
Work of the Courts	7	ib.
Cases tried by Courts of Session	8	4
Work of Sessions Courts	9	ib.
Statistics of punishments	10	5
Appeals	11	ib.
Work of Judicial Commissioner	12	6

ANNUAL REPORT.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

Special Court of Lower Burma.

	Para.	Page.
Appeals from sentences of Court of Recorder	1	1
Results of appeals	2	ib.
Case referred by Officiating Additional Recorder	3	ib.
References from Court of Judicial Commissioner	4	2

Court of the Recorder of Rangoon.

Cases committed to Court of Recorder as Court of Session and High Court	1	4
Courts from which committed	2	ib.
Disposal of cases	3	ib.
Sentences and acquittals	4	ib.
Punishments inflicted	5	ib.
Capital sentence confirmed	6	5
Appeals to Special Court	7	ib.
Appeal to Special Court from judgment of Sessions Judge	8	ib.
Appeals and revisions from findings and sentences of Magistrates	9	ib.
Cases sent up by District Magistrate	10	ib.
Cases for confirmation of sentence...	11	ib.
Criminal work of Recorder's Court	12	ib.
Number of Criminal Sessions during the year	13	ib.

The Magistrates' Courts.

Bailable and non-bailable	14	5
Increase and decrease	15	6
Increase in crime	16	ib.
Number of bailable offences	17	ib.
Nuisances under Police Act	18	ib.
More important offences brought to trial	19	ib.
Murder cases	20	ib.
Detail of violent crime	21	7
Offences against property with violence	22	ib.
Offences against property without violence	23	ib.
Diminution in crime	24	8
Surveillance of persons politically dangerous	25	ib.
Results of surveillance	26	ib.
Classification of petty offences	27	ib.
Charges of creating disturbance	28	ib.
Work performed by Magistrates	29	9
Works of Court of District Magistrate	30	ib.
Honorary Magistrates	31	ib.
Action of police judged by percentage of convictions	32	10
Improvement in regard to percentage of convictions	33	ib.
Court of Junior Assistant Magistrate	34	ib.
Magisterial punishments	35	11
Weakness in awarding punishment	36	ib.
Security for good behaviour	37	ib.
Realizations of fines	38	ib.
Detention of witnesses and duration of cases	39	12
Nationality of persons brought to trial	40	ib.
Classification of crime according to nationalities	41	ib.
Shipping casualties	42	ib.
Retrospect of the year	43	13
Military patrols	44	ib.
General remarks	45	ib.

PART II.

Courts under the Supervision of the Judicial Commissioner.

	Para.	Page.
Submission of criminal justice returns	1	14
Cause of delay	2	ib.
Offences reported	3	ib.
Examination of complainant	4	15
Decrease in number of cases reported	5	ib.
Increase and decrease in different districts	6	16
Principal offences against person and property	7	20
Cases of security for good behaviour	8	25
Preventive procedure of Chapter VIII, C. C. P.	9	ib.
Effective strength of magistracy	10	26
Criminal judicial work of Magistrates	11	27
Use of summary powers by Magistrates	12	28
Number and class of cases disposed of by District Magistrates	13	ib.
Work done by different classes of Magistrates...	14	30
Results of enquiries and trials before Magistrates	15	35
Committals to Sessions	16	36
Comparison of Sessions trials in past two years	17	37
Punishments inflicted by Magistrates	18	ib.
Degrees of punishment in Sessions and Magisterial Courts	19	39
Fines imposed, realized, &c.	20	40
Detention of witnesses in Magisterial Courts	21	ib.
Average duration of cases brought to trial	22	41
Duration of cases tried by Sessions Courts	23	42
Appeals disposed of	24	ib.
Results of appeals disposed of	25	43
Revision work by Sessions Judges and District Magistrates	26	48
Financial result of rules regulating fees	27	49
Inspection of districts by Judicial Commissioner	28	ib.
Commendable work by officers	29	ib.
Districts from which inspection notes were not received	30	ib.
Charge of office	31	ib.

APPENDICES.

	Page.
No. 1 (Criminal).—Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in Lower Burma on the last day of the year 1886 with the cost of tribunals ...	ii.
No. 2 (Criminal).—Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in Lower Burma in the year 1886 ...	iii.
No. 2A (Criminal).—Statement showing the general result of the trial of European British subjects in Lower Burma in the year 1886	iv.
No. 3 (Criminal).—Statement of miscellaneous proceedings under the Criminal Procedure Code in Lower Burma during 1886	v.
No. 4 (Criminal).—Statement showing the general result of criminal trials in the tribunals of various classes in Lower Burma in the year 1886	vi.
No. 5 (Criminal).—Statement showing the punishments inflicted by the various criminal tribunals in Lower Burma in the year 1886	vii.
No. 5A (Criminal), Part I.—Statement showing the whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments in Lower Burma for the year 1886	viii.
Part II.—Statement showing the whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1886	ib.
Part III.—Statement showing whippings inflicted under section 5, Act VI of 1884, on juveniles for offences other than those specified in Parts I and II in Lower Burma for the year 1886	x.
Part IV.—Statement showing the relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1886	ib.
No. 6 (Criminal).—Statement showing the result of appeal and revision in criminal cases in Lower Burma in the year 1886	xi.
No. 13 (Criminal).—Statement showing use of jurors and assessors in the Criminal Courts in Lower Burma in the year 1886	xii.

RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1886.

BENGAL SECRETARIAT LIBRARY.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 66C., dated the 24th September 1887.

READ—

Reports on the administration of criminal justice in Lower Burma during the year 1886.

RESOLUTION.—The Judicial Commissioner's report was not received till the 28th July, *i.e.*, some four months after the date on which it was due. The Chief Commissioner accepts the Judicial Commissioner's explanation of the causes of delay, namely, unusual pressure of work in district offices and want of familiarity on the part of officers with the forms in use. The province having now nearly returned to its normal state of tranquillity, there is no reason why the report should not in future be submitted on the prescribed date, and the Chief Commissioner trusts that the Judicial Commissioner will see that the delays of the past two years shall not recur. In connection with this subject the Chief Commissioner suggests that in future years the bulk of the Judicial Commissioner's report might be reduced by the omission of some of the tables and of all extracts from district reports. The standing orders prohibiting the inclusion in departmental reports of lengthy extracts from other reports are clear.

2. There was a considerable decrease in the number of cases reported and brought before the Courts during the year, thus—

	1885.	1886.
Number of offences reported	48,668	46,121
Number of cases returned as true	44,958	43,116
Number of cases brought to trial during the year	40,095	37,258

There was a decrease in all the commoner kinds of crime except those of the most serious character, namely, offences affecting life, robbery, and dacoity. The decrease was most marked in districts, such as Henzada, Bassein, and Shwegyin, which were disturbed during the year, and was no doubt due to the causes to which it is assigned by the Judicial Commissioner, namely, to the prevalence of crimes of violence and to the inability of the police to spare as much time as in former years to the investigation of unimportant offences. No doubt there was a decrease in the number of minor offences actually committed. In times of disturbance common thieves, for instance, become dacoits and robbers, and ordinary thefts are less frequent.

3. The number of offences rejected as false, including complaints rejected by Magistrates under section 203 of the Code of Criminal Procedure, fell from 3,710 in 1885 to 3,005 in the year under review. As the Judicial Commissioner points out, the returns of cases declared false for some districts are quite abnormal. It is impossible that in such large and populous districts as Hanthawaddy, Tharrawaddy, and Bassein the number of false cases reported should be so few as is stated in the returns. In Henzada, on the other hand, the number of cases declared false is more than double the number of similar cases in any other district except Akyab. The Chief Commissioner suggests to the Judicial Commissioner that he should make special inquiry into the practice of the Magistrates of the districts mentioned in striking off cases and should point out to them the correct procedure. The remarks of the Judicial Commissioner and the remarks embodied in the Recorder's report on the subject of the rejection of complaints under section 203 of the Code of Criminal Procedure are commended to the attention of Magistrates. For the two past years the Chief Commissioner has been constrained to comment unfavourably on the want of care shown by Magistrates in issuing process on petty complaints. The practice of issuing process as a matter of course without enquiry must necessarily encourage people to prefer frivolous charges and to make use of the Courts for the purpose of gratifying private ill-feeling. Notwithstanding the remarks made in former years, except in the Amherst district, there was hardly any improvement in this respect during the year under review. In several districts no complaints were summarily dismissed without process being issued. The Chief Commissioner requests that the Judicial Commissioner will bring to his notice in a separate report the names of Magistrates whose records for the current year indicate that complaints under Chapter XVI of the Code of Criminal Procedure have been dealt with in a perfunctory manner. The Judicial Commissioner will, no doubt, issue any special instructions on the subject that he may consider necessary.

4. There was a decrease, as compared with last year, in the number of persons called on to give security to be of good behaviour. The decrease was greatest in the Henzada district, in which the number of persons called on to furnish security fell from 801 in 1885 to 319 in the year under review. The decrease was due partly to the fact that Magistrates and police were fully employed in dealing with actual crime, partly to the fact that prosecutions under the preventive law were unusually numerous in 1885. In Rangoon the provisions of the law relating to bad livelihood were actively enforced. The percentage of convictions to prosecutions in the whole province was 72, or almost the same as the percentage of last year. In some districts, especially Hanthawaddy and Moulmein, the percentage of persons discharged to persons concerned was excessive and seems to indicate a want of care on the part of the magistracy and the police in instituting prosecutions for bad livelihood. The Judicial Commissioner remarks that Magistrates rarely take up cases of this kind in the place where the witnesses reside. The advantages of investigating these cases locally are obvious and, at the instance of the Government of India, the necessity for adopting this practice was pointed out to Magistrates during the year under review. The Chief Commissioner hopes that the Judicial Commissioner will spare no efforts to effect an improvement in this direction during the current year. The circumstances of the past year were abnormal and the Chief Commissioner is not

disposed to conclude that there was any wilful neglect on the part of Magistrates to comply with the instructions which have from time to time been issued in connection with this subject.

5. There was a decrease of 2,646 in the number of persons brought before the Courts during the year. The percentages of persons convicted and acquitted or discharged were 59·37 and 34·55 as against 57 and 38·96 per cent. in the previous year. Although there was an improvement in the percentage of convictions generally, there was a falling off in the percentage of convictions for the most serious kinds of crime, namely, dacoity and robbery. The percentage of convictions in cases of robbery and dacoity was 45. The decrease may probably be attributed to the very great increase of crimes of this description during the year; but it also indicates that many arrests were made without due consideration, or that sufficient attention was not paid to the conduct of the prosecution. The police were so busily engaged in the pursuit of dacoit gangs in the districts in which crimes of violence were most prevalent that they had little time left for the investigation of cases and the collection of evidence. The failure in the detection of serious crimes indicates that the people of the country did not render active and cordial support to the Administration. The value of the system of enlisting the sympathies of the respectable classes of the population in active opposition to disorder and crime is shown by the conspicuous success with which the adoption of this system in Rangoon has been attended. The Chief Commissioner cannot too often repeat his conviction that in the co-operation with the local authorities of the leading members of the Native community lies the only sure hope of success in dealing with crime in Burma. Unless the sympathies of the people are with the Administration, vigorous measures may secure temporary success, but cannot be permanently effectual.

6. In spite of the many impediments which the disturbed state of the province threw in the way of the speedy despatch of business the average duration of cases in Magistrates' Courts in the interior was no greater than last year, namely, seven days. This result reflects credit on the provincial magistracy. The average duration of cases in the whole province was eight days as against seven in 1885, the increase being due to the longer average duration of cases in Courts of Session. The number of witnesses examined fell from 124,668 to 99,935.

7. The work of the Courts during the year fell to a larger extent than last year on District Magistrates and Courts of Session, and to a less extent on Courts of Honorary Magistrates. The number of persons brought before the latter Courts fell from 15,842 to 11,408. The principal decrease took place in Rangoon Town, where the number diminished by 3,413, in consequence of changes introduced by the District Magistrate in the distribution of work among the various Courts. The diminution in the number of persons tried by Honorary Magistrates in the interior took place almost entirely in the Henzada district. Some explanation is necessary of the reason why only 189 persons were tried by Honorary Magistrates in that district in 1886 as against 1,397 in the previous year. The remarks of the Judicial Commissioner on the conduct of some Magistrates in neglecting to make use of Honorary Magistrates because they are dissatisfied with some of their decisions should receive the consideration of District

Magistrates and especially of the Deputy Commissioner of Henzada. An unsatisfactory decision in a particular case does not justify a District Magistrate in refusing to send further cases before a Bench. If he considers a Bench ignorant, he should instruct it; if he considers it unfit for its duties, he should take steps to have efficient Magistrates appointed; in no case should he ignore it. Benches of Honorary Magistrates are as a rule the best tribunals for trying petty cases of nearly every description, and the Chief Commissioner believes that District Magistrates might with advantage make use of them for this purpose to a greater extent than at present. He has read with pleasure the Judicial Commissioner's commendation of the work of the Honorary Magistrates, and he desires to thank them for the public spirit which places their services at the disposal of the Government.

8. The increase in the number of cases tried by Courts of Session was due to the increase in serious crime. This increase was so large that towards the middle of 1886 it became evident that some special measure was necessary to prevent a block to criminal business. Although two officers had been successively appointed Additional Sessions Judges, the number of prisoners pending trial for serious offences increased rapidly. Sessions Judges were quite unable to cope with the additional work, and it became clear that the pending cases could not be disposed of with reasonable promptitude under the ordinary procedure. An Act, called the Lower Burma Gaols Delivery Act, was accordingly passed in July empowering the Chief Commissioner to proclaim districts as disturbed and to confer on selected Magistrates in those districts the powers of Sessions Judges for trying certain classes of cases, including all the most heinous kinds of crimes of violence. The procedure prescribed for trials under the Act was that followed in the trial of warrant cases under the ordinary law. Nine districts were declared disturbed during the year and 19 Magistrates were vested with special powers. One thousand eight hundred and sixty-nine persons, of whom 1,002 were convicted, were brought to trial before the end of the year. The average duration of cases was 24 days. Although in a few cases Magistrates showed themselves not fully fitted to exercise the powers conferred on them, the Judicial Commissioner testifies to the general good quality of the work done and records his opinion that the Act proved on the whole a most useful measure. The block of criminal work which existed when the Act came into force was to a great extent removed by the end of the year, and the promptitude with which serious offences were punished had, it cannot be doubted, a considerable effect in deterring crime. The power of appeal which the Act conferred, and which was almost invariably exercised, removed all danger of arbitrary or illegal application of the law.

9. In spite of the relief afforded by the Gaols Delivery Act there was a large increase in the work of Courts of Session, the number of persons brought before these Courts having risen from 991 in 1885 to 1,840 in the year under review. It is satisfactory that in the three divisions, Pegu, Irrawaddy, and Tenasserim, which contribute the bulk of the cases coming before Courts of Session, the percentage of persons convicted to persons disposed of was higher than in the previous year. The figures of the Moulmein Court are altogether abnormal and call for special notice. The percentage of persons convicted to persons disposed of was only 24·39 as against a percentage of 64·22 for the province generally,

exclusive of Rangoon. The only inference that can be drawn from these figures is either that the committing Magistrates showed great want of judgment or that the Sessions Court was too prone to acquit. The Judicial Commissioner is requested to examine the cases tried by the Sessions Court of Moulmein during the past year, to favour the Chief Commissioner with his remarks on them, and to advise what measures are, in his opinion, necessary to effect an improvement.

10. The statistics of punishments inflicted during the year under review bear witness to the prevalence of crime of the most serious character. Severe punishments, from capital punishment down to imprisonment for two years and upwards, were all inflicted more frequently than in the previous year. Thus the sentence of death was passed in 66 cases as against 62 cases in 1885, 1,450 criminals were punished with transportation as against 153 in the previous year, and 77 with imprisonment for upwards of seven years as against 32 in 1885. There was also increased severity in sentences of whipping. The actual number of sentences of whipping inflicted decreased, but the proportion of severe sentences, *i.e.*, of sentences to more than 20 stripes, was higher than in 1885. This increase may be attributed in part to the provision of the Gaols Delivery Act, which empowered Magistrates trying cases thereunder to sentence offenders to whipping for serious offences which are not punishable in this manner under the ordinary law. The Chief Commissioner concurs in the remarks of the Judicial Commissioner on the subject of whipping. In the Tharrawaddy and Pegu districts whipping is inflicted far less frequently than the prevalence of crime in those districts appears to require. The statistics of punishment by fine call for no detailed remark. There was a slight improvement in realizations and in the payment of compensation. The Judicial Commissioner's explanation of the reason for the increased severity of the sentences is given in paragraph 17 of the report. His remarks may usefully be quoted. "Ample justification," he writes, "for this (increased severity) is to be found in the great increase of serious crime. "Some of the dacoities were attended with circumstances of horrible brutality. "Sometimes the owner of a dacoited house was burned to death with rags soaked "in kerosine-oil because he persisted in denying the possession of hidden treasure. "Others were tied to posts and were shot for the same reason. Sometimes aged "women or children were tortured or killed for no discoverable object. I remem- "ber one case in which the right bosom of a girl of 18 was cut off because she could "not point out where her father's valuables were concealed. It was a common prac- "tice to lead away one or more captives as the dacoits retreated from a village. "These were sometimes killed or wounded if there was any pursuit. Vast quanti- "ties of grain and household property were wantonly destroyed, as the dacoits habi- "tually fired the villages during attacks."

11. There was a large increase in the number of appeals. This increase was confined to appeals to superior Courts, which rose from 505 to 1,954, and was due mainly to the procedure prescribed under the Gaols Delivery Act, which permitted an appeal to the Judicial Commissioner from appealable sentences inflicted by Magistrates specially empowered under that Act. The results of appeals were nearly the same as in the previous year, thus—

Percentage of—	Rejections.	Confirmations.	Reversions or modifications.
1885	40·18	31·87	25·27
1886	41·77	32 34	24·55

The decrease in the percentage of cases reversed or modified is the more satisfactory in view of the fact that a large number of Magistrates, some of whom had had small judicial experience, exercised Sessions powers during the last six months of the year and disposed of serious and often difficult and complicated cases. Notwithstanding the slight improvement which took place during the year the percentages of reversions and modifications are still very high. The figures given at page 43 of the report, when considered in the light of the Judicial Commissioner's remarks on the work of the subordinate Magistrates in the districts in which original sentences were most frequently disturbed, show that some District Magistrates do not exercise a wise discretion in deciding appeals. It is difficult to avoid the conclusion that the frequency with which appeals were successful in the Hanthawaddy, Bassein, Thôngwa, and Shwegyin districts was due rather to a perfunctory discharge of their duties by the District Magistrates than to shortcomings on the part of subordinate Courts. The Chief Commissioner has frequently pointed out that nothing is more injurious to the efficient administration of justice than unnecessary interference by Appellate Courts with the decisions of subordinate Magistrates. He believes that Appellate Judges who do their duty, and who make themselves thoroughly masters of all the facts of cases coming before them in appeal, find it necessary to disturb the findings of original Courts far less frequently than was done in 1886 in the districts specified above. In view of the great evils resulting from an ill-considered use by Courts of Appeal of their appellate powers, the Chief Commissioner hopes that the Judicial Commissioner will in future watch closely the action of Appellate Courts and more particularly of District Magistrates in their appellate capacity. He suggests that the Judicial Commissioner might find it worth while to make a special examination of the work of any Appellate Court which appeared from the periodical returns to be reversing or modifying original sentences with unusual frequency. Such an examination, made as soon as the figures attracted his notice, would enable the Judicial Commissioner to check at once any tendency on the part of particular Appellate Courts to abuse their powers.

The Chief Commissioner observes with satisfaction that Sessions Judges and District Magistrates showed more diligence in supervising the work of inferior Courts than in the previous year. The results of the revisions are also fairly satisfactory, the percentage of sentences reduced or modified having fallen from 4·40 to 2·45, and of sentences reversed from 5·40 to 3·43.

12. During the year under review an unusual burden of work fell on the Judicial Commissioner. In consequence of the introduction of the Gaols Delivery Act appeals in his Court increased by nearly 300 per cent. It is of interest to note that the Judicial Commissioner disposed of the cases of 1,625 appellants, and that the proportion of cases in which appeals were rejected or dismissed by the Judicial Commissioner was higher than the average proportion from all Courts and much higher than the proportion in the Courts of the Commissioners of Irrawaddy and Tenasserim. These results are much to the credit of the Judges and Magistrates against whose decisions appeals were presented. The cases of 1,752 persons were disposed of by the Judicial Commissioner on revision, and in more than 80 per cent. of these the decision of the original Court was upheld. The number of cases in which sentences were enhanced was small. Notwithstanding the great

increase in his appellate work Mr. Meres found time to carry out inspections of Courts in eight districts, whereas he visited seven only in the former year, and to examine nearly as many cases in revision as in 1885. The Chief Commissioner desires to tender to Mr. Meres his thanks for the zeal and ability with which he discharged the exceptionally arduous duties of his office during the year, and for the assistance which he has always given to the Administration. The Chief Commissioner also desires to thank the Recorder for his full and interesting report on the administration of criminal justice in Rangoon.

By order of the Chief Commissioner,

H. THIRKELL WHITE,

Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1886.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

From sentence of Officiating Recorder 8.
From sentence of Officiating Additional Recorder 21.

During the year 27 persons appealed to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Session, and one person appealed from the sentence passed by the same Court exercising the powers of a High Court. There was also an appeal from an acquittal. The appeals of 27 persons were disposed of during the year, and those of two persons were pending at the close of the year.

2. The following table shows the results :—

Court from which appeal preferred.	Number of persons whose appeals were pending from last year.	Number of persons who appealed during 1886.	Result.			
			Rejected.	Dismissed or sentence confirmed.	Reversed.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Session.	...	28	24	1	1	2
Court of the Recorder of Rangoon exercising the powers of a High Court.	...	1	1	...	...	...
Total ...	...	29	25	1	1	2

3. During the year one capital sentence, passed by the Officiating Additional Recorder of Rangoon exercising the powers of a Court of Session, was referred to this Court under section 60 of the Burma Courts Act (XVII of 1875) for confirmation. The sentence was confirmed.

4. There were three references made to this Court by the Court of the Judicial Commissioner under section 76 of the Burma Courts Act (XVII of 1875) and one by the Judicial Commissioner whilst performing the duties of the Recorder, the particulars of which are as follows :—

(*a*) In the first case the question referred was "whether a District "Magistrate is justified under section 435, Code of Criminal Pro-"cedure, in calling for and examining the proceedings of a Magis-"trate of the 1st class exercising jurisdiction in the same district." The reference was necessary as one of the predecessors of the Judicial Commissioner had answered this question in the negative. This was answered in the affirmative.

(*b*) In this case the accused was convicted under sections 457 and 380, Indian Penal Code, and sentenced to a year's rigorous imprisonment on the first charge and 30 stripes on the second charge. The question referred was whether the sentence could legally combine imprisonment and whipping on a first conviction on a charge under section 457 and section 380, Indian Penal Code. The Judicial Commissioner was of opinion that such a sentence was illegal, but as his opinion was in conflict with a previous decision of this Court this reference was made. The Court held that the sentence was illegal.

(*c*) This reference order was as follows :—

"The four appellants in this case have been convicted by the Additional Sessions Judge of the Tenasserim Division under section 121, Indian Penal Code, and they have each been sentenced to transportation for life and to confiscation of all their property. Section 196 of the Code of Criminal Procedure requires that before a Court can take cognizance of an offence under section 121, Indian Penal Code, and under certain other sections therein specified, the prosecution must be sanctioned by the Governor-General in Council, or under the authority of the Governor-General in Council, or of the local Government, or of some officer empowered by the Governor-General in Council in this behalf. At the trial there was tendered by the prosecution a document purporting to be an extract of the proceedings of the Chief Commissioner in the Judicial Department dated the 20th April 1886. This document is certified by a clerk of the Court of the Deputy Commissioner of Shwegyin to be a true copy of a copy (which is certified by Mr. C. G. Bayne, Officiating Junior Secretary) of a copy (which is certified by Mr. E. S. Symes, Secretary to the Chief Commissioner) of an order purporting to be a proceeding of the Chief Commissioner in the Judicial Department under date the 20th April 1886. It is hardly necessary to point out that a certified copy of a copy of a copy is not evidence of the contents of the document. But this is not the only defect to be noted here; this extract of the proceedings of the Chief Commissioner is a public document which requires to be proved in the manner laid down by clause 1 of section 78 of Act I of 1872.

"Had this extract been certified not by the clerk of the Shwegyin Deputy Commissioner's Court, but by Mr. Bayne, the Officiating Junior Secretary, the certificate would not have been in compliance with the requirements of the Evidence Act. The document, however, was sufficient to suggest that there might possibly be a proceeding of the Chief Commissioner in the Judicial Department, dated the 20th April 1886, under which sanction to the prosecution of these four appellants under some section of Chapter VI of the Indian Penal Code had been granted. At the hearing of these appeals the Government Advocate tendered in evidence the document marked A, which complies with the requirements of section 78 of the Evidence Act. The Advocate for the appellants, however, while raising no objection to the form in which this evidence is tendered, sets out that on the date on which these proceedings purport to have been made the Chief Commissioner was not in British Burma, and he raises the question whether the sanction is really the act of the Chief Commissioner at all. The question then arises whether the appellants are entitled thus to go behind the signature of the Secretary and to enquire of the Secretary if in truth this proceeding is what it purports to be. It seems to

me that Mr. Hare's clients are, for the purposes of this particular piece of evidence, in precisely the same position as they would have been if this evidence had been put in during the enquiry by the Magistrate, before a charge was framed, because there was in fact before the Magistrate no legal evidence of any sanction; therefore I think that they cannot be met by the line of argument by which the appellant was met in B. Kristna Rau, Madras High Court Reports, Vol. VII, p. 58. Could the appellants, when before the Magistrate, have been prevented from citing evidence under section 211, Code of Criminal Procedure, to prove that the sanction was not in fact what it purported to be? The only grounds on which process could be refused would be that there were reasonable grounds for believing that certain witnesses were included in the list for the purpose of vexation or delay.

"The maxim is *omnia præsumumtur rite et solemniter esse acta donec probetur in contrarium.* This maxim has been constantly relied on in criminal cases in England (R. *v.* Verelst, 3 Camp. 432; R. *v.* Gordon, 1 Leach 515; R. *v.* Newton, 1 C. and K. 469. See also clause E, section 114, Act I of 1872). It seems to me that this is a rebutable presumption and that it is open to the accused to meet the presumption if he is able. Mr. Hare, in the course of his argument, raised the further question whether, assuming the sanction to be in fact the act of the Chief Commissioner, the sanction would be good if it was made by the Chief Commissioner at a place outside the province of British Burma. Mr. Hare intimated that he was prepared to prove that on the 20th April 1886 the Chief Commissioner was in fact outside the province of British Burma. These two questions are novel and important. I refer them to the Special Court:—

"1. Is the appellant entitled to go behind the signature of the Secretary in the manner proposed?

"2. If the sanction was in fact granted by the Chief Commissioner while outside the limits of British Burma, would the sanction be invalid on that ground?"

It was held that the presumption was a rebutable one and that the sanction, if made in Upper Burma, was not invalid on that ground.

(*d*) The reference was as follows:—

"Is a District Magistrate, who is also District Collector, debarred by the circumstance of the dual appointment from trying an offence under section 9 of the Opium Act?"

It was held that in the case put the Deputy Commissioner had no such substantial personal interest in the result of the case as to debar him from trying it.

W. F. AGNEW,
W. F. MERES,
Judges of the Special Court of Lower Burma.

RANGOON:
The 10th May 1887.

COURT OF THE RECORDER OF RANGOON.

Report on the administration of criminal justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1886.

DURING the year 38 cases were committed to this Court as a Court of Session and one as a High Court.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year :—

By whom committed.	1885.			1886.		
	As a Court of Session.	As a High Court.	Total.	As a Court of Session.	As a High Court.	Total.
Junior Assistant Magistrate	7	...	7	16	...	16
Assistant Town Magistrate	24	3	27	18	1	19
District Magistrate, Rangoon Town	5	...	5	4	...	4
District Magistrate, Henzada	...	1	1	...	...	...
District Magistrate, Thôngwa	...	1	1	...	...	...
Total ...	36	5	41	38	1	39

3. There was one case pending from the previous year, thus making a total of 40 cases for trial during the year, all of which were disposed of.

4. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Session and as a High Court :—

Number of persons	
Convicted.	Acquitted.
39	31

5. The following table shows the different punishments inflicted :—

	PERSONS SENTENCED TO.						DETAIL OF PUNISHMENT.									
		Transportation.		*Imprisonment.*			*Six months and under.*		*Two years and under.*				*Fine.*			
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous, seven years.	Rigorous, above seven years.	Amount of fine.	Amount realized.	Fine with imprisonment.	Acquitted.
Recorder's Court exercising the power of a Court of Session.	1	9	1	27	...	...	...	...	3	...	23	1	...	...	...	30
Recorder's Court exercising the power of a High Court.	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	1
Total ...	1	9	1	28	...	...	...	...	3	...	24	1	...	...	...	31

6. The capital sentence passed by this Court as a Court of Session was confirmed by the Special Court.

7. Of those persons convicted and sentenced by the Recorder as a Court of Session and High Court 28 appealed to the Special Court. Of these the appeals of 24 persons were rejected, that of one was dismissed, and in one case the sentence was reversed, and the cases of two persons were pending at the close of the year.

8. There was one appeal preferred from the judgment of acquittal passed by the Sessions Judge to the Special Court, which was also rejected.

9. The following table shows the number of persons whose cases came before this Court on appeal and for revision from the findings and sentences of the District Magistrate, Assistant Magistrate, and Junior Assistant Magistrate of the Rangoon Town district together with the results :—

Magistrates from whose decisions appealed.	Number of persons who appealed, including those pending from previous year.	Rejected.	Confirmed.	Modified.	Reversed.	New trial.	Quashed.	Pending.
District Magistrate	88	21	5	...	6	1	2	3
Assistant Magistrate	80	55	4	5	6	3	2	5
Junior Assistant Magistrate	62	45	1	2	10	3	...	1
Total ...	180	121	10	7	22	7	4	9

10. Besides the above three cases were sent up by the District Magistrate to this Court as a High Court, which were disposed of during the year.

11. The District Magistrate also sent up two cases for confirmation of sentence and the same were disposed of during the year.

12. The following abstract shows the total criminal work of the Recorder's Court for the year 1886 :—

	Cases.
Sessions trials	40
Cases for confirmation of sentence ...	2
References	3
Appeals and reviews	160
Total ...	205

as against 180 of all kinds in 1885.

13. There were seven Criminal Sessions during the year. Of these Mr. MacEwen took two and Mr. Fox the remainder.

The Magistrates' Courts.

14. The subjoined table shows the number of offences bailable and non-bailable reported during the year, and the number persons brought to trial, convicted, and acquitted as compared with a similar return for the preceding year :—

Year.	Number of offences reported during the year as true.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1885 ...	1,594	6,730	8,324	7,486	16,428	6,381	9,893	56	...	1	97
1886 ...	1,068	7,471	8,539	8,202	16,037	3,635	12,291	70	...	...	41
Increase ...	...	741	215	716	...	...	2,398	14	...	...	...
Decrease ...	526	...	...	...	391	2,746	...	...	...	1	56

15. From the above table it will be seen that there is a decrease of 526 non-bailable offences reported during the year under review and an increase of 741 bailable offences.

16. The District Magistrate observes that the number of non-bailable offences increased from 712 in 1880 to 781 in 1884, but that there has been a steady decrease in crime since 1884, which he attributes in some measure to the assistance rendered by the myogan lugyis. Cases of murder, attempts to murder, culpable homicide, and grievous hurt have fallen from 45 to 24, or by 46·66 per cent. Cases of simple hurt were slightly more numerous. The District Magistrate observes that there is often but a very little difference between simple hurt and assault, and taking the two together the numbers were 1,387 in 1885 and 1,176 in 1886, a diminution of a little under 14 per cent. Offences against property with violence appear to have fallen considerably, there being only two more than in 1881 and 53 less than 1883. Similarly thefts have diminished very considerably in number, as have other offences against property without violence.

17. The following table, in which cases of assault are included, gives the number of bailable offences:—

Year.	Assault.	Insult.	Creating a disturbance.	Nuisance (Police Act).	Breach of local rules.	Drunk and disorderly.	All others.	Total.
1880	675	171	356	419	716	315	578	3,260
1881	620	381	17	1,571	682	516	557	4,344
1882	933	211	34	902	1,051	590	816	4,537
1883	908	258	52	1,117	1,288	725	707	5,055
1884	1,137	692	59	1,032	1,122	877	627	5,546
1885	1,259	919	55	1,109	1,846	921	621	6,730
1886	988	361	7	2,101	2,222	1,051	741	7,471

18. The increase in nuisances under the Police Act, the District Magistrate observes, is principally due to the police seeing more after the traffic and keeping the streets and pathways clear, and in those classed as breaches of local rules, to new rules under the Municipal Act, and to their enforcement by the police and by the Municipality, and to new rules under the Water-works Act. In these the great majority of the prosecutions were instituted by officers of the Municipality.

19. The following table shows the number of the more important offences brought to trial in each of the last seven years:—

Year	With Violence										Without Violence.					
	Against the person								Against property		Thefts		Others		Total	
	Murders, &c		Grievous hurt		Hurt		Total									
	Reported	Brought to trial	Reported	Brought to trial	Reported	Brought to trial	Reported	Brought to trial	Reported	Brought to trial	Reported	Brought to trial	Reported	Brought to trial	Reported	Brought to trial
1880	7	6	11	11	77	74	95	91	4	4	583	394	77	76	660	470
1881 .	12	12	23	22	142	142	177	176	7	5	866	509	53	53	919	612
1882	11	10	21	18	141	141	173	169	27	15	867	503	72	60	939	572
1883	17	17	41	29	133	133	191	179	62	44	1,319	555	92	85	1,441	640
1884 ..	27	27	18	18	139	139	184	184	28	18	1,491	752	108	87	1,599	839
1885	13	6	42	32	176	176	221	214	23	19	1,331	588	90	80	1,421	668
1886	9	8	15	12	188	184	212	204	9	6	908	579	32	32	940	611

20. In the only murder case not brought to trial the District Magistrate reports that the accused committed suicide immediately after committing the murder, that one of the murders was committed in dacoity in the town between

the Phayre street station and Royal Lakes, and all concerned were arrested, and all who were sent up were convicted, except three.

21. The following statement shows the detail of violent crimes as compared with that during the previous year :—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1885.	1886.	1885.	1886.	1885.	1886.
Murder	7	5	3	4	3	17
Attempt to murder	5	2	3	2	2	2
Culpable homicide	1	2	...	2	...	2
Grievous hurt	42	15	42	12	36	5
Hurt	128	136	128	131	54	52
Hurt with dangerous weapon	38	52	38	53	26	38
Total ...	221	212	214	204	121	116

22. The following table shows the number of offences against property with violence as compared with previous year :—

Nature of offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1885.	1886.	1885.	1886.	1885.	1886.
Dacoity	2	1	2	1	7	5
Robbery	14	5	10	2	6	2
Extortion	7	3	7	3	4	3
Total ...	23	9	19	6	17	10

NOTE.—This table does not include one case of dacoity with murder, which is shown amongst the murders.

23. The following table shows the number of offences against property without violence as compared with the previous year :—

Nature of offences.	Number of offences reported.		Number of offences brought to trial.		Persons convicted or committed.	
	1885.	1886.	1885.	1886.	1885.	1886.
Housebreaking with theft	54	20	52	20	51	21
Theft	1,331	908	588	579	555	437
Receiving stolen property...	36	12	28	12	19	9
Total ...	1,421	940	668	611	625	467

24. The District Magistrate observes that the figures in the various preceding tables, taken into consideration with the increase in the population, show a considerable diminution in crime and a considerable action of the magistracy and police in coping with it. He attributes the diminution in crime to several causes. He says that at the end of December 1885, immediately on his assuming charge of this district, he took vigorous measures for dealing with men of known and suspected bad character, and in this he says he received cordial assistance from the elders and other respectable inhabitants, and that those who escaped probably went to swell the bands of dacoits in other districts; that he fully expected an influx of bad characters from elsewhere flying from the measures taken against them there, but that few came, and these, owing to the precautions taken and the information and aid given by the lugyis, were arrested before they had time to do harm. He further adds that the whole of the first portion of the year until the rains set in was one of anxiety, and constant watching was necessary; and he desires to emphasize the fact that without the cordial aid and support which he received from all his subordinates in the police and especially from the two Superintendents, Messrs. Fraser and Martin, who were in charge of the force successively, and from the lugyis without any exception, no exertions of his would have been effectual.

25. The District Magistrate also states he had continually to be on the watch for persons politically dangerous who arrived, and to keep a close surveillance on those already here, and that had the police and lugyis failed him he would have been much crippled.

26. This continual watchfulness prevented many who had run away from coming back again for, he says, a letter came into his possession in which the writer complained that he dare not come to Rangoon because the District Superintendent of Police watched every suspected person who arrived, and he knew he could not escape detection. Another cause, he says, was probably the greater field elsewhere for committing robbery and dacoity with the less chance of detection.

27. The subjoined table classifies the petty offences for the last three years—

Offences.	1884.	1885.	1886.
Assault, &c.	1,137	1,259	988
Insult and criminal intimidation	692	919	861
Creating a disturbance under I. P. C.	55	59	7
Nuisance under Act V of 1861	1,082	1,109	2,101
Breach of local rules	1,122	1,846	2,222
Drunk and disorderly	877	921	1,051
Total ...	4,915	6,118	6,730

28. The District Magistrate observes that it is to the town being generally quieter and to the discouragement given to the institution of trivial cases that the decrease in cases of insult and assaults tried is due. Charges of creating a disturbance were dealt with, except in bad cases, as nuisances under section 34, Act V of 1861.

29. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files :—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial. In custody.	Remaining under trial. On bail or recognizance.
District Magistrate.	Bailable ...	494	...	96	398	...	...	...	...
	Non-bailable ...	73	...	3	50	20	...	...	...
	Total ...	567	...	99	448	20	...	...	...
Assistant Magistrate.	Bailable ...	5,841	171	531	5,137	...	...	...	2
	Non-bailable ...	539	...	173	343	22	...	1	...
	Total ...	6,380	171	704	5,480	22	...	1	2
Junior Assistant Magistrate.	Bailable ...	1,359	58	500	781	5	...	...	15
	Non-bailable ...	278	...	120	135	23	...	...	...
	Total ...	1,637	58	620	916	28	...	...	15
Honorary Magistrates.	Bailable ...	7,031	739	1,163	5,107	...	...	...	22
	Non-bailable ...	13	...	7	6	...	...	...	...
	Total ...	7,044	739	1,170	5,113	...	...	...	22
Cantonment Magistrate.	Bailable ...	408	...	74	334	...	...	...	...
	Non-bailable ...	1	...	...	...	...	...	1	...
	Total ...	409	...	74	334	...	...	1	...
Grand Total ...		16,037	968	2,667	12,291	70	...	2	39

30. The District Magistrate says the work in his Court was heavier in the year under review than in 1885, but that it was not excessive, and that it is due to the fact of his having taken all cases of breach of Arms Act and of the Port Rules that it increased in the Courts of the other two Magistrates in bailable cases and fell off in the Court of the Honorary Magistrates. It was the practice, he says, for the Assistant Magistrate to take all the petty nuisances ("the morning charges"), but that he has made a different allotment of work, which he hopes will more equalize the work in the subordinate Courts.

Excluding persons committed to the Sessions and cases pending at the end of the year the percentage of persons convicted to persons brought to trial was—

	1885.	1886.
District Magistrate	77·27	81·90
Assistant Magistrate	68·90	86·23
Junior Assistant Magistrate	45·70	57 47
Honorary Magistrates	59·79	72 81
Cantonment Magistrate	...	81·86

The percentages for the whole province outside Rangoon as given in paragraph 14 of the report of the Judicial Commissioner, where persons committed are included amongst those convicted, were 59·87 in 1884 and 60 in 1885.

Taking non-bailable offences only the percentages were—

	1885.	1886.
District Magistrate	87·08	94·34
Assistant Magistrate	60·78	66·47
Junior Assistant Magistrate	60·61	55·10
Honorary Magistrates	61·01	46·15
Cantonment Magistrate	...	...
Total ...	66·25	63·79

31. The Honorary Magistrates tried so few persons accused of having committed a non-bailable offence that the percentage in their work is not material; but

whilst there was an improvement in his Court and in that of the Assistant Magistrate, there was a falling off in that of the Junior Assistant Magistrate. In this Court out of 1,359 persons brought up for bailable offences 15 cases were pending at the close of the year, and out of the 1,344 whose cases were decided 558, or 41·51 per cent., were discharged without trial or acquitted, and 781, or 58·49 per cent., convicted. The District Magistrate thinks that too little attention is generally paid by subordinate Magistrates, and especially by the late Junior Assistant Magistrate, to the provisions of section 202 of the Criminal Procedure Code. If they had not only carefully examined the complainants before issuing process, but had, in doubtful cases, postponed issuing process against the persons complained of until an enquiry had been made, there would have been better results. Some of the records, he says, show that the examination of the complainant under section 200 was carried out in a very perfunctory way, and greater care would prevent innocent persons being haled to Court to be acquitted or discharged, and would tend to prevent frivolous and malicious complaints. Much greater attention should have been paid than was the case to the provisions of section 252 of the Code. Magistrates, he says, seemed to consider it sufficient to listen to what the witnesses named in the police charge-sheet had to say and did not carefully examine these witnesses, following up any clue that they obtained whether it tended in favour of the accused or of the complainant, and did not ascertain the names of any persons other than those whom they had examined under the first paragraph of the section who were likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution and summon them, adjourning the case for their attendance under the authority of section 344 and the explanation thereto attached. He further says they seem to think it is the duty of the police to send up a "complete case;" and if the police are to do this, they must in very many cases keep the accused in custody for more than 24 hours, getting a magisterial sanction, and do work which not only the law does not throw upon them, but the performance of which will keep them occupied when they should be doing other work; and he thinks it clear from sections 169 and 170 that it is the duty of the police not to prepare a complete case for a Magistrate, but, if there is sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, to forward or to admit him to bail to appear as the case may be, and to leave the Magistrate to complete the case under the authority given to him, and therefore to be exercised by section 252, and draws attention to the remarks on this point contained in paragraph 5 of the Judicial Commissioner's Report of 1881.

32. He deprecates the action of the police being judged by the percentage of convictions obtained, and says it is not their duty to obtain a conviction; that his experience has taught him that so to judge them must tend to lead and has so led individuals amongst them into actions which are illegal and indefensible, and which he has known to be defended by the plea that convictions must be obtained or, as it is otherwise put, "the accused would get off if we did not do so."

33. The Police Officers, he goes on to say, are far too ready to consider that they are the persons to keep a district in order, forgetting that their duty is confined to carrying out the law intelligently and to obeying the District Magistrate, who alone is responsible to the Government. Such improvement as there has been in 1886 in regard to the percentage of convictions, he says, is due to the Police Officers having understood this and to the Magistrates, except the late Junior Assistant Magistrate, having enquired into cases somewhat more carefully.

34. The failure in the Court of the late Junior Assistant Magistrate, he thinks, is due to that officer having behaved very much as if he was an umpire at a duel between the counsel for the complainant and for the accused, and without sufficient strength to confine the opponents within the lists. In his conduct of cases he says there was neither strength nor happily the violence so often begotten of weakness.

When the year closed there were 41 persons awaiting trial, of whom two were in custody against 97 at the close of 1885, of whom 18 were in custody. By itself this does not, in his opinion, afford any clue to the working of the

Magistrate as it is quite possible that there may be a sudden influx of cases just at the end of the year.

35. The following table shows the punishments inflicted by the different Magistrates:—

Class of tribunal.	Persons sentenced to					Persons ordered		Amount of fines		
	Imprisonment.									
	Solitary confinement.	Simple.	Rigorous.	Fines.	Whipping.	To give recognizance or security to keep the peace.	To give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
								Rs. A. P.	Rs. A. P.	Rs. A. P.
District Magistrate ...	8	...	153	288	17	4	125	4,096 0 0	3,892 0 0	...
Assistant Magistrate ...	3	22	202	4,952	205	17	87	20,142 2 0	15,057 2 0	98 0 0
Junior Assistant Magistrate.	3	31	331	829	63	2	30	22,376 3 0	16,457 5 0	1,709 15 9
Honorary Magistrates ...	...	3	13	5,096	1	...	...	8,868 12 3	8,105 12 3	290 8 0
Cantonment Magistrate	...	1	10	323	...	1	...	2,018 8 0	1,901 15 0	...
Total ...	14	62	709	11,488	286	24	242	57,501 9 3	45,414 2 3	2,098 7 9

36. The District Magistrate points out that there has been some weakness in awarding punishments, and that it seems to him that when persons are convicted of causing grievous hurt with or without the use of dangerous weapons, but more especially when with them, and of theft and other cognate offences having previous convictions recorded and proved against them of such a nature as to render them liable to enhanced punishment under section 75 of the Indian Penal Code, leniency in awarding punishment is unjust to the community at large, which is entitled to protection. The number of persons sentenced to whipping increased, but the Junior Assistant Magistrate failed to award this punishment as frequently as he might and should have done.

37. The number of cases in which persons were called upon to give security for their good behaviour increased from 153 to 242. Considering the state of the country generally and the facilities afforded to evilly disposed persons to resort to Rangoon as a temporary place of refuge, he says, he deemed it advisable to deal with a considerable number of such cases himself. The District Magistrate says that his remarks in last year's report and those of the Recorder were brought to the attention of the Magistrates, and that there is a distinct improvement in the realization of fines, although the total amount imposed was larger this than last year.

The percentages were—

	1885.	1886.
District Magistrate	56·02	95·01
Assistant Magistrate	59·25	74·83
Junior Assistant Magistrate	60·47	73 54
Honorary Magistrates	90·90	90·26
Cantonment Magistrate	...	94·20
Total ...	65·72	78·16

38. The proportion of realization to fines throughout the province outside Rangoon was in 1884 61·95 and in 1885 68·35, and the District Magistrate thinks that at least 90 per cent. of all fines imposed should be realized, and he trusts that an improvement will take place in 1887 in the Courts of the Assistant and of the Junior Assistant Magistrates.

39. The following table shows the detention of witnesses and the average duration of cases:—

Class of tribunals.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	883	67	32	...	2	1
Assistant Magistrate	4,321	737	298	73	1½	1·52
Junior Assistant Magistrate ...	928	782	310	...	8½	2·46
Honorary Magistrates	2,251	1,102	137	63	1	1·50
Cantonment Magistrate ...	247	118	52	8	...	2·51
Total ...	8,130	2,806	829	144	...	...

The decrease in the duration of cases is accounted for by the smaller number of serious cases. There were 919 more witnesses examined this year than in 1885. The detention in the Junior Assistant Magistrate's Court compares very favourably with that of last year.

40. The subjoined table shows the nationality of persons brought to trial during the last three years in the Magistrate's Court:—

Nationality.	1884.	1885.	1886.
Burmese	3,609	3,856	3,472
Chinese	408	1,013	882
Natives of Bengal and Upper India	1,295	2,306	2,972
Madrasis	4,173	6,759	5,632
Chittagonians	657	1,990	2,547
Europeans and Eurasians	391	504	582
Total ...	10,533	16,428	16,037

41. The District Magistrate thinks it may safely be taken that the large majority of Europeans and Eurasians are brought up for being drunk or for creating a disturbance; Chittagonians for breach of port rules, for drunkenness, for smuggling or being in possession of opium or ganja, principally the latter; Madrasis for drunkenness and being in possession of or selling ganja; Natives of Bengal for being in possession of selling ganja and opium, and for creating disturbances; Chinese for breaches of the Excise Act and for gambling; and Burmans for offences of all kinds except breaches of port rules and drunkenness, and possession or sale of ganja.

42. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act XII of 1883 and rules framed thereunder:—

No.	Subject.
1	Relative to the grounding of the ship *Machrihanish.*
2	Relative to the grounding of S.S. *Africa.*
3	Relative to the grounding of S.S. *Mahratta.*
4	Relative to the misconduct of Mr. Logan, licensed pilot.
5	Relative to the grounding of S.S. *Avagyee.*
6	Relative to the grounding of S.S. *Acconiac.*
7	Relative to the collision between the S.S. *Chilka* and the light-vessel *Colombo.*
8	Relative to the S.S *Ngapoota* having collided with a Burmese boat at Elephant Point.
9	Relative to the grounding of S.S. *Tenasserim.*
10	Relative to the misconduct of Mr. Simmonds, licensed pilot.
11	Relative to the grounding of the S.S. *Fitzpatrick.*
12	Relative to the grounding of S.S. *Abington.*

43. The District Magistrate states that the facts and figures which he has given support him in saying that the year 1886 was a quiet one for this district when all the rest of the valleys of the Irrawaddy and of the Sittang were in more or less disorder. No doubt this drew away many evil-disposed persons from Rangoon and afforded us relief at the expense of other districts, but unless the police and elders had worked well and cordially together this would not have lasted many months. The District Magistrate observes that he need not add anything to what he has already written to show how highly he appreciates their work done, not grudgingly, but willingly and with alacrity. The Rangoon police, he says, is a much abused body of men, and the public seem to expect the District Magistrate to be ubiquitous, and that no doubt they have not done all that was expected of them by the public, but the year has shown that they have coped with crime and have kept the tract entrusted to their charge in better order than it has been for some years. To Mr. Martin, the Superintendent of Police, the Magistrate says credit is especially due, that he has worked under difficulties and done exceedingly well, and that to his aid and to that of the lugyis he owes much. On no single occasion, he says, did he find the Superintendent of Police in antagonism to himself, and his instructions were invariably carried out without hitch or difficulty.

44. At the commencement of the year military patrols aided greatly in quieting the minds of many who were unnecessarily disturbed, and the Volunteers, as in 1885, afforded willing assistance. To them he attributes the cessation of a commencing panic perfectly groundless which might have had very evil effects.

Before the rains set in confidence was restored and there was not any trouble afterwards.

Statement showing the Magistrates who have acted in the Rangoon Town District during the year 1886.

Name.	Designation.	Remarks.
Lieutenant-Colonel H. R. Spearman.	District Magistrate ...	The whole of 1886.
F. C. Gates, Esq. ...	Assistant Magistrate ...	From 1st January to 14th April 1886.
W. G. L. Rice, Esq. ...	Assistant Magistrate ...	From 14th April to 17th November 1886.
A. T. A. Shaw, Esq. ...	Assistant Magistrate ...	From 17th November to 31st December 1886.
Captain C. F. Filliter ...	Cantonment Magistrate ...	The whole of 1886.
Maung Pe ...	Junior Assistant Magistrate	The whole of 1886.

General Remarks.

The figures given by the District Magistrate, I think, show conclusively that the Magistrates and police have worked well during the past year. To a certain extent the diminution of crime may be owing to the fact that habitual offenders found an easier field for crime in the disturbed districts. But many criminals came to Rangoon during the year, and it is owing to the watchfulness of the police that they were kept in order. It is satisfactory to find that although the population of Rangoon is increasing yet that crime does not increase with the population, but on the contrary has been kept down. The decrease in crime may to a certain extent be further accounted for by the revival of trade and increased demand for labour. But still I think that a great deal of the decrease is to be accounted for by the energy of the Magistrates and police, and by the assistance given to them by the lugyis and other inhabitants of the town.

RANGOON:
The 22nd June 1887.

W. F. AGNEW,
Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. F. MERES, Esq., Officiating Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No 3078., dated the 28th July 1887.

I HAVE the honour to forward herewith the criminal justice returns of the Lower Province for 1886. The returns include the figures for the town of Rangoon. The figures of the Special Court and of the Recorder's Court have been the subjects of separate reports, and are not discussed here. I deal in this report only with my own and with the Courts subordinate to my Court.

2. This report is submitted late. The delay has not arisen in my office. The provincial criminal returns were revised by my predecessor at the request of the Chief Commissioner; they are now very nearly the same as those in use in the Lower Province of Bengal. They are a great improvement upon those formerly prescribed and afford the means of more complete supervision. They have assisted in bringing to light irregularities which formerly escaped detection. They, however, involve more correspondence and expenditure of time. As local officers become more familiar with the use of these statements it will, I believe, be possible to submit the report earlier in future. The past year has been one of unusual pressure, and the demands of the Upper Province have brought about frequent but unavoidable changes in the district and subdivisional charges. These circumstances have tended to throw routine work out of gear.

3. The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below :—

Division	Name of district	Cases reported		Cases rejected under section 203 of the Criminal Procedure Code		Cases declared false or not entered as true		True cases.		Percentage of true to reported cases	
		1885	1886	1885	1886	1885	1886	1885	1886	1885	1886
ARAKAN	Akyab	2 086	2 113	51	59	259	382	1 776	1 672	85 14	79 13
	Kyaukpyu	2 025	1 846			344	339	1,681	1,507	83 01	81 64
	Sandoway	642	626	7	13	3		632	613	98 44	97 92
	Northern Arakan	23	40			3	4	20	36	86 96	90·00
	Total	4 776	4,625	58	72	609	725	4,109	3,828	86 03	82 77
PEGU	Hanthawaddy	2 073	1 947			32	3	2 041	1 944	98 46	99 85
	Pegu	2,138	2,074	91	53	433	188	1 614	1,833	75 49	88 38
	Tharrawaddy	2,987	2 973	24	10	58	9	2 905	2 954	97 25	99 36
	Prome	4 065	4 493	67	35	103	60	3,895	4 298	95 82	97 84
	Total	11,263	11,487	182	98	626	260	10 455	11,029	92·83	96 86
IRRAWADDY	Henzada	4 829	3,084	175	102	787	616	3 867	2,366	80 08	76 72
	Bassein	4,624	3,735			65	29	4 559	3,706	98 59	99 22
	Thôngwa	3 949	3 313	5	1	186	243	3,758	3 069	95 16	92 64
	Thayetmyo	1,523	1,795			43	4	1,480	1,791	97 18	99 78
	Total	14,925	11,927	180	103	1,081	892	13,664	10,932	91 55	91 66
TENASSERIM	Amherst	1 438	2,099	41	210	22	64	1 375	1,825	95 62	86 95
	Shwegyin	2,117	1,622	2		303	159	1 812	1,463	85 59	90 20
	Toungoo	1 617	1,955			26		1,591	1,355	98 39	100 00
	Tavoy	520	628	2	6	134	94	384	528	73 85	84 08
	Mergui	470	605		8	11	1	459	656	97 66	98 65
	Salween	44	77			2	2	42	75	95 45	97 40
	Moulmein	3,169	2,785	168	197	72	46	2,909	2,542	91 80	91 27
	Total	9,375	9,231	283	421	570	366	8,572	8,444	91 43	91 47
	GRAND TOTAL	40,339	37,170	653	694	2,886	2,243	36,800	34,233	91 23	92 10

This table shows singular results. Thus in the Hanthawaddy district, out of 1,947 cases, not a single complaint was rejected, and only three cases were declared false, or not entered as true with the result that 99·85 per cent. of the charges were pronounced true; while in the adjoining district of Pegu the percentage of cases pronounced true was only 88·38. In Bassein the percentage of so called true cases was 99·22, while in the adjacent district of Henzada only 76·72 per cent. were pronounced true. In Toungoo not a single complaint was thrown out on examination of the complainant, and every case reported is shown as true. These figures suggest a doubt whether some of the Magistrates really consider the daily police reports. The common cases of boats and cattle reported as stolen, which turn out on enquiry to have drifted or strayed, must often recur in every district.

4. The examination of the complainant is often a mere form. Very recently I sat with a Magistrate of 11 years' standing, who was issuing processes on defendants almost as a matter of routine, making over the cases for trial by the Bench. Somewhat greater attention has been paid to this duty in Amherst and Moulmein. Elsewhere the instructions, which I have lost no opportunity of giving, have not met with as much attention as they ought.

The results of this laxity appear in the following percentages of convictions to persons tried throughout the province in 1886:—

	Percentage convicted.
Criminal intimidation and insult	32·43
Defamation	22·11
Mischief	28·52
Criminal force	35·72

5. The total number of cases reported during 1886 is 37,170, being 3,169 less than in 1885. Of this difference the bulk is due to a falling-off of 2,194 prosecutions under municipal and special laws, the police being generally too much occupied with serious crime to deal with conservancy offences and cases of that class. The disturbed state of a large part of the province probably accounts for offences not being reported so freely as in 1885. The decrease in the number of reported cases is most marked in the districts of Henzada, Bassein, Thôngwa, and Shwegyin, within and near which districts the most serious of the disturbances of the year occurred. These disturbances were the occasion of the prosecution of 161 offences against the State. It is not in the province of this report to describe the various risings of half-patriot, half-robber bands which occurred during the year. While the war with Upper Burma was in progress, and for some time afterwards, the public mind in the Lower Province was in a state of ferment, and wild stories of defeats of the English troops and of the advent of an Upper Burma army were readily believed. A few persons of local influence, taking advantage of the general excitement, headed movements which were intended to co-operate with the Upper Burma forces. The want of commissariat and the temptations of plunder soon converted those movements into mere associations for robbery and dacoity. After coming into collision with troops or with the police these bands usually broke up into small parties under the leadership of notorious criminals, and taking refuge in the difficult forest country with which the Province abounds, harried the villages in their neighbourhood until they were broken up and captured or dispersed. Bad characters and young men of adventurous spirit, tempted by the general feeling of insecurity, also formed into parties of dacoits throughout the Salween and Irrawaddy valleys. With the pursuit and the trial of those persons the time of the District Officers has been largely occupied throughout the year.

6. *Increase and Decrease in the different Districts during the year.*

INCREASE.

Division.	Name of district	Cases reported	Cases rejected under section 203 of the Criminal Procedure Code	Cases declared false or not entered as true	True cases
Arakan	Akyab	27	8	123	...
	Kyaukpyu	...	...	...	...
	Sandoway	...	6	...	...
	Northern Arakan	17	.	1	16
	Total ...	44	14	124	16
Pegu.	Hanthawaddy	...	...	...	...
	Pegu	...	...	...	219
	Tharrawaddy	...	...	...	49
	Prome	328	...	...	403
	Total ...	328	...	...	671
Irrawaddy.	Henzada	...	...	...	...
	Bassein	.	...	...	...
	Thongwa	...	...	57	...
	Thayetmyo	272	...	...	311
	Total ...	272	...	57	311
Tenasserim	Amherst	661	169	42	450
	Shwegyin	...	...	...	...
	Toungoo	...	...	...	...
	Tavoy	108	4	...	144
	Mergui	195	8	...	197
	Salween	38	...	...	38
	Moulmein	...	9	...	...
	Total ...	997	190	42	824
	GRAND TOTAL ...	1,641	204	223	1,822

DECREASE.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Criminal Procedure Code.	Cases declared false or not entered as true.	True cases.
ARAKAN.	Akyab	...	...	...	104
	Kyaukpyu	179	...	5	174
	Sandoway	16	...	3	19
	Northern Arakan	...	...	...	...
	Total ...	195	...	8	297
PEGU.	Hanthawaddy	126	...	29	97
	Pegu	64	38	245	...
	Tharrawaddy	14	14	49	...
	Prome	...	32	43	...
	Total ...	204	84	366	97
IRRAWADDY.	Henzada	1,745	73	171	1,501
	Bassein	889	...	36	853
	Thôngwa	636	4	...	689
	Thayetmyo	...	...	39	...
	Total ...	3,270	77	246	3,043
TENASSERIM.	Amherst	...	...	...	...
	Shwegyin	495	2	144	349
	Toungoo	262	...	26	236
	Tavoy	...	...	40	...
	Mergui	...	...	10	...
	Salween	...	...	...	...
	Moulmein	384	...	26	367
	Total ...	1,141	2	246	952
	GRAND TOTAL ...	4,810	163	866	4,389

True Offences Reported under each Class in the year 1886 as compared with the previous year.

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
ARAKAN.	Akyab	1885	...	...	20	3	11	33	3	4	42	...	391	599	3	...	11	2	32	622	1,776	
		1886	..	...	17	5	13	18	1	...	46	2	471	560	...	2	6	1	41	489	1,672	
	Kyaukpyu	1885	1	...	19	11	10	37	...	2	59	3	315	783	4	...	2	4	69	362	1,681	
		1886	...	...	15	5	14	33	...	2	83	1	260	548	4	1	6	7	78	450	1,507	
	Sandoway	1885	...	...	8	...	.	9	...	...	49	...	84	323	...	2	2	2	27	126	632	
		1886	...	...	3	...	3	8	...	...	24	...	108	314	...	2	2	3	33	113	613	
	Northern Arakan	1885	..	...	...	...	1	...	...	...	...	...	3	6	...	...	4	...	1	5	20	
		1886	...	...	...	...	...	1	...	...	2	...	10	13	...	...	1	...	6	3	36	
	Total ...	1885	1	...	47	14	22	79	3	6	150	3	793	1,711	7	2	19	8	129	1,115	4,109	
		1886	...	...	35	10	30	60	1	2	155	3	849	1,435	4	5	15	11	158	1,055	3,828	
PEGU.	Hanthawaddy	1885	...	...	23	5	12	58	...	...	29	...	200	1,137	3	1	4	1	83	465	2,041	
		1886	2	...	9	4	14	30	1	1	36	2	213	1,010	2	...	5	2	97	516	1,944	
	Pegu	1885	...	...	12	10	7	55	1	..	50	3	280	630	...	...	9	...	50	507	1,614	
		1886	10	...	18	11	9	52	...	...	38	...	336	883	5	...	11	1	58	399	1,833	
	Tharrawaddy	1885	...	...	34	13	6	57	2	1	57	2	270	1,316	6	1	10	...	60	1,070	2,905	
		1886	2	..	22	14	10	46	1	1	19	5	265	1,650	4	...	2	1	24	888	2,954	
	Prome	1885	...	...	91	16	11	62	1	4	278	2	548	1,606	3	...	2	4	198	1,069	3,895	
		1886	3	...	100	17	20	97	.	4	257	...	667	1,871	2	...	2	3	122	1,133	4,298	
	Total ...	1885	...	...	160	44	36	232	4	5	414	7	1,298	4,689	12	2	25	5	391	3,131	10,455	
		1886	17	...	149	46	53	225	2	6	350	7	1,483	5,414	13	...	20	7	361	2,936	11,029	
IRRAWADDY.	Henzada	1885	...	...	30	13	9	24	...	...	39	..	180	669	1	...	1	1	71	2,829	3,867	
		1886	7	...	37	3	13	35	1	3	39	1	147	524	1	...	2	8	49	1,496	2,366	
	Bassein	1885	...	...	49	24	17	68	6	...	273	5	581	1,757	1	...	32	14	173	1,559	4,559	
		1886	4	...	38	19	17	72	1	...	208	...	507	1,414	1	...	16	16	208	1,185	3,706	
	Thôngwa	1885	...	1	71	21	30	40	6	1	241	4	590	1,590	1	3	12	6	197	935	3,758	
		1886	6	3	49	16	23	48	3	...	133	2	562	1,086	...	1	17	6	183	229	3,069	
	Thayetmyo	1885	4	...	11	7	11	19	2	...	76	4	275	617	...	...	2	6	75	371	1,480	
		1886	...	...	20	5	18	32	1	...	35	2	237	954	4	...	4	7	65	407	1,791	
	Total ...	1885	4	1	161	65	76	151	14	1	629	13	1,626	4,633	3	3	47	27	516	5,694	13,664	
		1886	19	3	144	43	71	187	6	3	415	5	1,453	3,978	6	1	39	37	505	4,017	10,932	

True Offences Reported under each Class in the year 1886 as compared with the previous year—(concluded).

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
TENASSERIM.	Amherst	1885	...	..	9	...	18	21	...	.	63	2	339	439	...	...	3	5	129	347	1,375	
		1886	1	2	6	4	10	32	...	...	36	4	233	907	2	1	10	...	150	427	1,825	
	Shwegyin	1885	...	...	17	11	8	17	2	...	56	...	270	835	..	..	12	6	119	459	1,812	
		1886	101	...	16	2	9	20	...	...	23	.	171	722	..	...	8	9	79	303	1,463	
	Toungoo	1885	1	...	10	1	11	31	2	...	42	...	209	759	1	2	6	3	89	424	1,591	
		1886	11	...	...	2	11	20	...	...	31	...	224	592	...	4	3	5	54	398	1,355	
	Tavoy	1885	...	...	10	2	...	4	1	...	9	1	96	141	..	1	...	12	24	83	384	
		1886	...	...	5	1	4	4	...	...	25	1	165	230	..	...	1	7	31	54	528	
	Mergui	1885	...	...	7	...	17	3	...	...	12	1	93	177	.	..	...	...	28	121	459	
		1886	...	...	13	...	7	3	...	...	24	1	96	206	1	..	2	...	27	274	656	
	Salween	1885	.	...	.	...	...	1	...	...	1	...	10	18	...	..	...	1	2	9	42	
		1886	12	...	..	...	.	3	...	...	2	...	12	35	.	..	...	...	4	7	75	
	Moulmein	1885	..	...	2	3	10	21	...	...	103	...	405	339	1	...	22	12	128	1,863	2,909	
		1886	...	...	3	1	1	14	2	...	35	...	377	290	1	8	23	8	198	1,581	2,542	
	Total ...	1885	1	...	55	17	64	98	5	...	266	4	1,422	2,708	2	3	43	39	519	3,306	8,572	
		1886	125	2	43	10	42	96	2	...	176	6	1,280	2,982	4	13	47	29	543	3,044	8,444	
	GRAND TOTAL ...	1885	6	1	423	140	198	560	26	12	1,479	27	5,139	13,741	24	10	134	79	1,555	13,246	36,800	
		1886	161	5	371	109	196	568	11	11	1,096	21	5,065	13,809	27	19	121	84	1,507	11,052	34,333	
	Increase ...	...	155	4	...	...	...	8	...	...	...	...	...	68	3	9	...	5	...	...	...	
	Decrease ...	...	...	...	52	31	2	...	15	1	383	6	74	...	...	...	13	...	48	2,194	2,567	

7. The annexed tables show in a collected form the principal offences against the person and against property for the two past years :—

Offences affecting the Human Body.

Offences.	Reported cases.		True cases.	
	1885.	1886.	1885.	1886.
Murder	137	249	127	235
Attempt at murder	27	25	23	22
Culpable homicide	36	38	35	31
Attempt at culpable homicide	2	1	2	1
Grievous hurt	332	365	310	341
Rape	147	137	86	109
Unnatural offences	10	6	6	6
Hurt	1,784	1,537	1,618	1,165
Criminal force and assault	2,853	3,001	2,649	2,713

Offences against Property.

Offences.	Reported cases.		True cases.	
	1885.	1886.	1885.	1886.
Dacoity	133	2,251	125	2,156
Robbery, including attempts	247	636	204	585
Housebreaking and lurking house-trespass	1,047	698	932	608
Other house-trespass	476	379	402	329
Criminal trespass	427	340	367	282
Cattle-theft	1,590	1,602	1,364	1,420
Other thefts and receiving stolen property	10,268	7,993	8,942	7,237

Of the more serious forms of crime in the Shwegyin district the Magistrate writes:

"Murders, &c., have risen from 15 to 24 cases. The type of crime has differed, as might have been expected, from that prevalent in past years. No less than eight have been the work of outlaws, and have been committed either in open fight or out of revenge or with the hope of securing weapons carried by the persons attacked. In one case the victim was a Police Officer and in another sepoys escorting treasure."

* * * * *

"*Dacoity.*—Dacoity has risen from eight to no less than 261 cases. This, it is needless to say, is due to the disturbances caused by the Shan rebellion of last year. Of the reported cases, however, 15 belonged to the last fortnight of 1885, leaving 246 actually committed during the year of report, besides a balance of three carried on to the current year. The quarterly reports give the history of this crime in greater detail. It will be enough to remark here that it has been very unequally distributed over the various townships ; not only so, but it has for the most part been confined to certain circles of those townships.

"The following table gives its direction :—

Sittang	100
Thayèthamein (Pyuntaza subdivision)	70
Shwegyin	47
Bilin	19
Kyaukkyi	9
Total ..	246

"The great majority of the dacoities in Sittang took place in the hills and were committed by bands composed chiefly of Karens. The plains were till the last quarter almost entirely free from crime. The crime in Thayèthamein was principally caused by gangs headed by Kalagyi Wunni, (who broke out in the last quarter,) and a gang of rebels who escaped from the Pyuntaza thana. Only one circle, Yehla, was comparatively free from crime. In Shwegyin the Mobôn circle suffered most. Many of the dacoities were committed by the Sittang outlaws, but an outburst headed by one Po Tha broke out in the neighbourhood of Shwegyin town in July, since which the township has been comparatively quiet.

"Much of the crime in the Bilin township is also believed to have been due to gangs from Sittang. It was confined almost entirely to the hills of Yinôn circle, the large paddy

plains escaping entirely. Kyaukkyi township has suffered least of all, the most important affair being the dacoity with murder on certain sepoys of the 1st Bombay Grenadiers escorting treasure. This was committed by the Toungoo outlaws under Myat Thu in May last. Considering the presence of this gang on the borders of the township its comparative freedom from crime is matter for congratulation The total property taken in dacoity amounts in value to Rs. 44,611. The amounts vary much from a few rupees to over Rs. 4,000. There is indeed reason to believe that every case in which a little food or perhaps a gun only was taken has not been reported.

	1886.	1885.
	Rs.	Rs.
Dacoity	44,611	6,025
Robbery	4,829	2,273
Housebreaking	8,616	14,363
Ordinary theft	11,308	19,068
Cattle-theft	13,775	14,035

* * * * *

"Altogether some six to eight outlaws have been killed in the Sittang township, one in the Bilin, three in the Thayèthamein, two in the Shwegyin, and one in the Kyaukkyi townships. On the other hand no less than 19 dacoities and robberies with murder have been perpetrated, and in one of those the object was principally revenge for the death of a noted outlaw. Among the dacoities are not included those which may have been committed by Shan rebels previous to their disappearance from the district about the middle of January. Most of the cases brought into Court were committed by Burmans in the confusion which reigned during the last fortnight of December 1885, when violent crime was openly committed and detection was easy. Out of 152 persons sent for trial only 25 were convicted and 31 committed, of which about half were sentenced. There has been almost complete failure to bring to justice any member of the more notorious gangs. I can only recall one case in which an arrest worked signal good.

"No doubt the attitude of the people, fearing the dacoits where not actually abetting them, has been much against successful action. People have not been slow to say that 'the dacoit's da is sharp and that of the Government blunt.' Still more vigorous working on the part of the police might have given better results. The force was much demoralized by the rebellion, and was not placed on a proper footing till the rains had well set in. Mr. Snadden, Assistant Superintendent of Police, Sittang, just as he was beginning to do good work with the new police, was severely wounded in an ambush by dacoits and his services were lost to the district.

"Harbourers and spies have abounded. One noted outlaw is stated to have boasted that 'where the Government has 1,000 ears we have 10,000.' Punitive police have been established in one tract of country and on four separate villages, and more have been recommended. Levies have been formed chiefly of Christian Karens in the Kyaukkyi township, and a special Karen and Talaing levy was kept for two months in the Sittang township, but Mr. Snadden's unfortunate encounter prevented its being worked to full advantage."

* * * * *

"Robberies have risen from eight cases to 34, besides one case carried over to the current year. They have nearly all possessed the same features as the dacoities, namely, assaults on houses by armed bands.

"They are thus distributed:—

Sittang	14
Thayèthamein	10
Shwegyin	4
Bilin	3
Kyaukkyi	3
Total ..	34

"In three of the above murder was committed. Of 23 persons sent for trial only two were convicted and five committed,—a miserable result."

* * * *

"*Rape.*—Five reported cases against six. Three cases were brought to trial and one conviction obtained, which was reversed in appeal. In the other cases it was not satisfactorily proved that rape had taken place."

* * * *

"*Grievous Hurt.*—The true cases have fallen from 10 to eight. Six persons out of 17 sent for trial have been convicted against five out of 13. The two years do not greatly differ."

* * * *

"*Cattle-theft.*—The number of cases returned as true has fallen from 155 to 83. In last year's report, however, I remarked that in all probability more correct returns would have shown the number 155 to have been exaggerated. The number of true cases in 1884 was 99. It is impossible to say whether in such a year of confusion, when for some months the police were disorganized and the people quite unsettled, every case which took place was reported. The persons brought to trial and convicted were 43 and 19 as against 57 and 27 in the previous year. No very satisfactory result in itself, but as good as might have been expected considering how the police have been harassed by dacoity.

"*Ordinary Theft.*—This crime shows another fall from 320 to 221 true cases. Convictions, however, in this and cattle-theft together have fallen in proportion from 56 to 51, and in cases of receiving stolen property from 61 to 45.

"*Housebreaking.*—True cases have fallen from 188 to 46. I do not think the classification has been so correct as last year. There has been a greater tendency to enter cases of housebreaking under the head of ordinary house theft. But making all allowances for error, there has been an undoubted decrease. This is, I think, the result of two causes. In the first place reporting can scarcely have been so close in a year of disturbance as in an ordinary year; and in the second place the fall is no doubt to a certain extent genuine, the ordinary housebreaker having gone to swell the different organized dacoit bands. There can be no question that violent deprivation has to some extent supplanted secret deprivation of property in the year of report.

"*Prosecutions under Chapter VI, I. P. C.*—These form a new feature and originated in the Shan outbreaks at Mayangyaung and Kyaukkyi during the latter part of December 1885. After being driven from the Shwegyin into the Salween district the rebels, under the Mayangyaung pôngyi met with further reverses at the hands of the Salween police and broke back westward. Such as found their way back into this district half-starved and dispirited, fell an easy prey to Karen villagers. The fate of those who reached the Toungoo district was scarcely better. After a more or less feeble resistance to Karens, numbers were captured including their leaders. Nearly all were Shans and were tried in batches and convicted, principally on their own confessions. The majority were tried by Mr. Copleston, Additional Sessions Judge; but the last case was decided by myself under the Gaols Delivery Act.

"The Kyaukkyi insurrection, which spread into the Pyuntaza subdivision, though the consequences were exceedingly troublesome, was nipped in the bud and at an end before the close of December 1885.

"In all 101 cases were returned as true. Out of 440 prisoners 62 were convicted by Magistrates with special powers, while 69 were acquitted and 298 were committed to Sessions, the great majority of whom are believed to have been convicted. For rebellion four persons were executed, including the Mayangyaung pôngyi, while for murder in connection with the rebellion four others received the supreme penalty. Among those sentenced to transportation for life and lesser punishments there was every degree of guilt. Many had entered on the scheme with full consent and gave their active aid, and of these some no doubt, though proof was impossible, committed murder as well as rebellion. Others, more or less unwilling tools, were dragged from their houses and forced to join. A small but active party of Upper Burmans was also engaged."

The District Magistrate of Bassein writes:

"The total number of cases brought to trial is 3,356 as against 3,916 of the previous year, but the serious increase of 125 dacoity cases, 49 robberies, and four rebellion cases, in which 78 persons were brought to trial, have thrown a great increase of work on the Courts. The falling off in ordinary thefts is due, no doubt, to the fact that many of these were considered by the villagers not worth reporting while dacoities were so common, no less than 329 dacoities having been reported during the year."

The District Magistrate of Pegu writes:

"There were 10 cases of waging war against the Queen arising out of the Shan rebellion in the Shwegyin district in December 1885. The proportion of persons discharged is large; there were so many under-trial prisoners to be dealt with that it was very difficult to prepare the cases for trial or to obtain evidence at all.

"Ordinary murders increased from 8 to 18; most of them as usual were the result of quarrels about women. Detection was better than last year, 24 persons being brought to trial, of whom only seven were acquitted or discharged.

"I think the increase of both murders and grievous hurt must be attributed a good deal to the general state of lawlessness which succeeded the rebellion.

"Cattle-theft and ordinary theft both decreased greatly, probably because the thieves generally took to dacoity. Cattle-theft is still extremely rife and I think a very large number of cases are left unreported. A good many of the stolen cattle are killed at once. The practice of taking money to return stolen cattle is also very common and in both

classes of cases detection is very difficult. The cattle-markets, which were established to keep cattle thieves in check, are really an assistance to the thieves. The market-gaungs were expected to exercise semi-judicial functions and to weigh evidence produced before them *ex-parte*. In every case within my experience the gaung has utterly failed to appreciate the nature of his duties and showered bogus certificates of sale broadcast over the country. Two cattle-dealers from Rangoon would appear at a market with a herd of, say, 20 head of cattle; each would sell 10 to the other; two other men of the same kidney, totally unknown to the gaung, would testify to the ownerships of the whole lot, and the dealers would depart with 20 certificates for cattle, which probably had all, or nearly all, been stolen during the previous two or three years.

"The cattle-markets in the Pegu district were all closed on the 1st March 1887.

"Robbery and dacoity were abnormally prevalent. In February and March large gangs of dacoits were on foot and committed some fearful atrocities. Some of them were broken up by the police and some retreated northwards, along the hills, to Upper Burma. During the rest of the year there were a few raids by large gangs from the Shwegyin district. These gangs only remained a few hours in the Pegu district. The jungles around Sittang and those between Pyinbôngyi and Bawni, on the borders of the Pyuntaza subdivision, are strongholds of well-armed gangs whom we have not yet succeeded in eradicating. The last violent crime of the year was an attack on Payagale court-house and thana by 26 dacoits. They were beaten off with the loss of three killed and others wounded, but three constables were killed and two wounded through the sentry foolishly opening the door.

"At the end of the rains a large gang began to assemble in the jungles south-west of Pegu, but the arming of a Karen levy of 300 men in that neighbourhood caused the dacoits to move away further north.

"In the early part of the year the number of persons arrested was so large that it was impossible to bring them to trial for many weeks. Although the lock-up in Pegu was greatly overcrowded, a great many of the under-trial prisoners had to be sent to Rangoon for custody. With this great press of work the police were unable to investigate all cases promptly and thoroughly, and in consequence there were a good many failures of justice.

"Lurking house-trespass and housebreaking by night have decreased, because thieves are bolder and commit robbery and dacoity instead of trying to operate stealthily. Still the police class as mere thefts some cases which ought to be entered as lurking house-trespass by night."

The District Magistrate of Prome, reporting on the serious crime of his district, says:

"The district was quiet up to the end of March, when there was an outburst of violent crime. Gangs of dacoits from the south entered the Padaung and Shwedaung townships, and from this time forward for some months dacoities were of frequent occurrence in most parts of the district. The bad characters having received the necessary stimulus set to work vigorously assisted by bands from Henzada and Tharrawaddy to commit dacoities until towards the end of the rains, when there was a lull. At the close of the rains there was again a temporary increase of crime, but by the end of the year the state of the district was fairly quiet. The war with Upper Burma, the rebellion in Shwegyin, Pegu, and elsewhere, had upset the minds of the people, who doubted whether the British Government would be successful in endeavouring to subdue Upper Burma and extinguish crime in Lower Burma, and the police were temporarily paralysed. No doubt incendiaries from Upper Burma and elsewhere were at work trying to stir up the people to commit rebellion and other violent crimes.

"There was an increase under the head of offences against property, Chapter XVII, from 1,606 to 1,871. The principal elements in this increase are—

	1885.	1886.
Dacoities	9	326
Dacoities with murder, &c.	2	26
Grievous hurt	..	..
Robberies	21	78
Cattle-theft	186	299

"Ordinary other thefts decreased from 1,072 to 901. The increases shown are due to causes already noted. The decrease under the head of 'other thefts' is probably due in part to the fact that the attention of the people and of the police was too much occupied with more violent crimes for them to take proper notice of the less important kinds. Further, the thief class joined gangs of dacoits and engaged in bolder crimes than before. Cattle-theft has become terribly prevalent, and energetic measures and severe punishments are required to suppress it.

"The only notable decrease under a class of crime is that under Chapter XXII, criminal intimidation and insult, the figures for which in the two years were 198 and 122 respectively. The Magistrates have been less ready to take up petty cases of this class,

and their frequent absence from headquarters dacoit-hunting may no doubt have deterred persons from making unnecessary complaints."

The District Magistrate of Thayetmyo, on the borders of the old frontier line of Upper Burma, writes:

"The total number of offences reported are 1,795 for 1886 (as against 1,469 for 1885). Of these 1,791 are returned as true.

"Cattle-theft has increased from 89 cases to 202.

"Ordinary theft from 292 to 455.

"Ordinary robbery from 10 to 28.

"With hurt from 1 to 12.

"Ordinary dacoity from 6 to 91.

"Mischief from 8 to 19.

"Criminal trespass from 17 to 27.

"It will thus be seen how very much offences against property have increased, although the total number of offences reported is less than that of last year. The total number of offences is probably only apparently less than that of last year.

"The police have been moved backwards and forwards. Thanas have been changed to other places; add to this that the whole district has during the year been more or less disturbed, and it will easily be guessed that numbers of cases have not been reported.

"As far as I myself have noticed, the people have not come to Court in anything like the numbers that used to attend. In March and April gangs of dacoits were marching up through Kama and Thayetmyo and Myedè to Upper Burma.

"In May Bo Sine threatened to raid Mindòn.

"In June a large number of dacoits passed through Myedò and collected at Yeni, where they were attacked by the Assistant Commissioner.

"In Myedè there has been a great deal of dacoity, and a punitive guard was put on at Myingabaing, and sepoys had to be sent on several occasions.

"During the latter part of the year the dacoits from Upper Burma have been getting behind the troops and looting our frontier villages freely.

"Small bands of dacoits have sprung up in different parts of the district and when pursued have generally bolted across the frontier and joined the dacoits there.

"In fact there has been a very lawless spirit about.

"Many old border feuds have been revived and villages with old grudges have looted each other."

"As a rule the dacoits from Upper Burma have not inflicted torture. On our side the dacoits have lately taken to torturing the people with fire and beating them to get their money."

* * * * *

"Cattle-theft has been going on to an enormous extent and is still going on. It is impossible to stop it. Above our frontier large numbers of villages have been abandoned and the cattle left without anyone to look after them. Men from Lower Burma have been making a regular trade in this and were helped by some of the cattle-market gaungs giving them passes, which enable them easily to get rid of their stolen or misappropriated cattle.

"Cattle-theft frequently ends now by the thief taking the stolen cattle to some villages and killing them and selling the meat to the villagers. The Burman has such a craving for meat that there is no difficulty in disposing of the meat, and few questions are asked. Two thousand and eighty-three persons were put on their trial, and of these 1,108 were convicted. In many cases the persons committing the dacoities are known, but they have got away into Upper Burma. The cowardice displayed by villagers has been painful in the extreme; four men have over and over again gone into villages of 30 and 40 houses and looted as they chose. In one case lately before me three men armed with nothing but sticks walked into a village, used a little abuse, tapped the house-posts with their sticks, and the whole village, of about 18 adults (men), all bolted, and the three men looted the village. In another case a village had been entrusted with 13 guns for their protection as they lived in a wild part of the country. These, to a man, joined a small band of dacoits from the Kyaukpyu side. The cowardice of the villagers encourages dacoity to a great extent, and it will be most difficult to put a stop to it, until the people really help us."

* * * * *

"I do not believe that the poverty of the people has been the cause of their joining the dacoits, but cowardice and non-resistance has encouraged dacoity and offences against property.

"From the cases before me, too, I have noticed that there has been often no elaborate plotting. A number of men have met together and have gone straight off and dacoited a village here and there in the most promiscuous way and often without any attempt at concealment. A strong belief did exist that King Thebaw was still in Upper Burma and had armies at his call. This probably is now dissipated, but we shall still have smaller bands dacoiting here and there.

8. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below :—

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.	
		1885.	1886.	1885.	1886.	1885.	1886.
ARAKAN ...	Akyab	75	60	23	17	52	43
	Kyaukpyu	78	77	12	21	62	55
	Sandoway	42	32	6	8	34	24
	Northern Arakan	...	...	...	...	...	...
	Total ...	195	169	41	46	148	122
PEGU ...	Hanthawaddy	176	202	27	52	149	142
	Pegu	141	119	30	36	111	81
	Tharrawaddy	409	349	82	42	324	307
	Prome	310	250	108	108	202	141
	Total ...	1,036	920	247	238	786	671
IRRAWADDY...	Henzada	1,045	460	230	140	801	319
	Bassein	912	693	205	159	707	534
	Thôngwa	265	372	106	114	157	255
	Thayetmyo	57	40	29	14	28	26
	Total ...	2,279	1,565	570	427	1,693	1,134
TENASSERIM	Amherst	110	86	31	27	79	55
	Shwegyin	97	132	31	22	66	109
	Toungoo	149	50	76	9	73	41
	Tavoy	6	2	2	...	4	2
	Mergui	65	5	36	3	29	2
	Salween	...	1	...	...	...	1
	Moulmein	51	101	36	42	14	59
	Total ...	478	377	212	103	265	269
	GRAND TOTAL ...	3,988	3,031	1,070	814	2,892	2,196

9. There has been less activity under the preventive procedure of Chapter VIII, Code of Criminal Procedure, than in 1885, except in Hanthawaddy, Shwegyin, and Moulmein. The explanation generally given is that Magistrates were too much occupied with the capture of active criminals to deal with potential crime. The number of cases in 1885 was unusually high, as some District Officers paid special attention to this duty in view of the breaking out of war with Upper Burma. The percentage of convictions to prosecutions was 72, being about the same as in 1885. This, though higher than the percentage in Bengal Lower Province, where 67 per cent. of the persons prosecuted were required to give security in 1885, is unsatisfactory, and is mainly, I think, due to Magistrates rarely taking up these cases while on tour where the witnesses reside. If this was done and if the cases were properly investigated before magisterial action commenced, there would be a far higher percentage of convictions. I shall continue to urge upon Magistrates the necessity of dealing with these cases on the spot. Some of the younger Magistrates have shown a disposition to ask for security in prohibitive amounts and for unusual periods. These cases have been dealt with in revision. Generally the amounts of security asked and the periods fixed have been reasonable, and the orders have been made on satisfactory evidence.

10. The following table shows the effective strength of the Magistracy at the close of the year :—

Number and Distribution of Magistrates.

Division.	Name of district.	Stipendiary magistrates.				Special magistrates.				Honorary magistrates including benches.			
		First class including District Magistrates.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.
Arakan.	Akyab	4	2	4	10	...	...	...	...	...	8	4	12
	Kyaukpyu ...	2	5	...	7	...	...	...	...	...	...	6	6
	Sandoway ...	1	2	1	4	...	...	...	...	...	...	...	...
	Northern Arakan ...	1	...	...	1	...	...	...	...	...	...	...	...
	Total ...	8	9	5	22	...	...	...	...	...	8	10	18
Pegu.	Hanthawaddy ...	2	3	1	6	...	...	...	...	...	...	...	...
	Pegu	3	5	1	9	...	...	...	...	...	...	...	...
	Tharrawaddy ...	5	2	2	9	...	...	...	...	...	...	...	...
	Prome	4	6	1	11	...	...	...	...	...	3	...	3
	Total ...	14	16	5	35	...	...	...	...	...	3	...	3
Irrawaddy.	Henzada	5	2	2	9	...	...	...	...	...	5	...	5
	Bassein	6	3	5	14	...	...	...	...	...	7	...	7
	Thongwa	5	3	2	10	...	1	...	1	...	...	...	...
	Thayetmyo ...	3	3	2	8	...	...	...	...	...	...	...	...
	Total ...	19	11	11	41	...	1	...	1	...	12	...	12
Tenasserim.	Amherst	4	8	3	15	...	...	1	1	...	...	4	4
	Shwegyin... ...	5	1	3	9	...	...	...	...	...	...	...	...
	Toungoo	2	3	4	9	...	...	1	1	...	...	5	5
	Tavoy	1	4	...	5	...	...	...	...	...	...	...	...
	Mergui	1	3	2	6	...	...	...	...	...	...	...	...
	Salween	1	1	...	2	...	...	...	...	...	...	...	...
	Moulmein ...	1	1	...	2	...	...	1	1	...	10	...	10
	Total ...	15	21	12	48	...	...	3	3	...	10	9	19
	Grand Total ...	56	57	33	146	...	1	3	4	...	33	19	52

11. The next table shows how the criminal judicial work of the past year was distributed among Magistrates :—

Persons disposed of by Magistrates.

Division.	Name of district.	At headquarters of districts.				At headquarters of subdivisions.			At headquarters of townships.			Total disposed of.
		District Magistrates.	Assistant and Extra Assistant Commissioners.	Myooks.	Honorary and Special Magistrates.	Assistant and Extra Assistant Commissioners.	Myooks.	Honorary and Special Magistrates.	Assistant and Extra Assistant Commissioners.	Myooks.	Honorary and Special Magistrates.	
Arakan.	Akyab ...	110	454	...	397	354	207	...	...	1,123	...	2,645
	Kyaukpyu ...	204	67	328	...	509	...	...	155	249	...	1,512
	Sandoway ...	281	...	104	...	...	...	...	...	195	...	580
	Northern Arakan	54	...	...	...	...	...	...	...	...	...	54
	Total ...	649	521	432	397	863	207	...	155	1,567	...	4,791
Pegu.	Hanthawaddy ...	402	...	...	...	574	...	...	...	1,769	...	2,745
	Pegu ...	235	680	342	...	324	238	...	346	418	...	2,583
	Tharrawaddy ...	255	684	8	...	716	...	...	437	1,093	...	3,193
	Prome ...	162	614	277	749	1,679	508	...	522	815	...	5,326
	Total ...	1,054	1,978	627	749	3,293	746	...	1,305	4,095	...	13,847
Irrawaddy.	Henzada ...	514	141	1,317	189	1,325	86	...	...	1,015	...	4,587
	Bassein ...	328	680	537	690	1,048	...	...	280	2,145	...	5,708
	Thôngwa ...	396	...	640	...	1,096	1,065	...	...	1,243	102	4,542
	Thayetmyo ...	232	404	195	...	423	451	...	...	345	...	2,050
	Total ...	1,470	1,225	2,689	879	3,892	1,602	...	280	4,748	102	16,887
Tenasserim.	Amherst ...	253	137	19	191	219	82	...	256	1,054	...	2,211
	Shwegyin ...	503	419	...	...	1,174	131	...	128	79	...	2,429
	Toungoo ...	268	345	...	324	25	254	...	85	381	...	1,682
	Tavoy ...	126	147	57	...	...	...	...	263	...	...	593
	Mergui ...	199	...	496	...	...	...	...	...	117	...	812
	Salween ...	106	...	42	...	...	...	...	...	...	...	148
	Moulmein ...	322	...	1,143	2,132	...	...	...	...	...	...	3,597
	Total ...	1,777	1,048	1,757	2,647	1,418	467	...	727	1,631	...	11,472
	Grand Total ...	4,950	4,772	5,505	4,672	9,466	3,022	...	2,467	12,041	102	46,997
	Percentage to total disposed of.	10·53	10·16	11·71	9·94	20·14	6·43	...	5·25	25·62	0·22	100·00

The District Magistrates have taken a larger share of judicial work than usual. In 1886 they tried 10·53 per cent. of all the cases which came before Magistrates as compared with 8·35 in 1885.

The Benches of Honorary Magistrates continue to render substantial assistance in the disposal of petty cases, setting free stipendiary Magistrates for the discharge of other duties. Some District Magistrates are injudicious enough to show hostility to these useful institutions. In one instance a District Magistrate practically suspended his Bench for a time by neglecting to refer cases to it, on the ground that he was not satisfied with some of the decisions. The obvious course was to send up the cases in revision. The necessary orders have been passed and that Bench is now employed. I think that new Benches might be established at the headquarters of some of the larger districts. I shall address Government with definite proposals on this subject.

During the past year rules were framed under section 16 of the Code of Criminal Procedure by the local Government for the guidance of Benches respecting the constitution of Benches, the mode of settling differences of opinion, and other matters. Only those cases which may be tried in a summary way are now to be made over to Honorary Magistrates. I have seen much of the work of the Benches and I have been generally satisfied with it. The records are usually in substantial compliance with the requirements of sections 263 and 265,

Code of Criminal Procedure, and the sentences are generally reasonable. Some of the Honorary Magistrates are irregular and unpunctual, but complaints of this are not frequent. With my concurrence the Benches at Prome and Bassein have been recently invested with power to pass sentences of whipping. I hope that the Deputy Commissioners of those districts will join with me in carefully watching the result of this experiment.

Besides District Magistrates the following Magistrates were empowered at the close of the year to try cases summarily :—

	No.
Cantonment Magistrates	1
Assistant Commissioners	4
Extra Assistant Commissioners	5
Myoôks	...
Special Magistrates	...
Honorary Magistrates, including Benches	45
Total ...	55

12. The following table shows to what extent Magistrates used their summary powers :—

Cases disposed of by Magistrates under Summary Powers.

Division.	Name of district.	Total cases tried by stipendiary and honorary magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	82	1,632	1,714	4	228	232	13·54
	Kyaukpyu	176	940	1,116	7	...	7	0·63
	Sandoway	211	213	424	49	...	49	11·56
	Northern Arakan	38	...	38	10	...	10	26·32
	Total ...	507	2,785	3,292	70	228	298	9·05
Pegu.	Hanthawaddy	266	1,035	1,301	1	42	43	3·31
	Pegu	114	1,199	1,313	2	24	26	1·98
	Tharrawaddy	126	1,698	1,824	...	1	1	0·05
	Prome	89	3,243	3,332	...	777	777	23·32
	Total ...	595	7,175	7,770	3	844	847	10·90
Irrawaddy.	Henzada	217	2,787	3,004	4	29	33	1·10
	Bassein	98	3,204	3,302	1	...	1	0·03
	Thôngwa	184	2,401	2,585	8	57	65	2·51
	Thayetmyo	152	1,100	1,252	12	81	93	7·43
	Total ...	651	9,492	10,143	25	167	192	1·89
Tenasserim.	Amherst	96	1,353	1,449	1	30	31	2·14
	Shwegyin	119	1,028	1,147	3	11	14	1·22
	Toungoo	110	870	980	...	77	77	7·86
	Tavoy	80	348	428	6	...	6	1·40
	Mergui	113	452	565	38	...	38	6·73
	Salween	34	18	52	1	...	1	1·92
	Moulmein	188	2,206	2,394	68	...	68	2·84
	Total ...	740	6,275	7,015	117	118	235	3·35
	Grand Total ...	2,493	25,727	28,220	215	1,357	1,572	5·57

Exclusive of District Magistrates and Benches there were only 10 officers in the province vested with summary powers. In the Pegu Sessions division only three cases, and in the Irrawaddy division only 25 cases, were dealt with in a summary way by District Magistrates. In these two divisions the prevalence of serious crime made it impossible for District Magistrates to take up summary trial cases.

13. The following table shows the number and class of cases disposed of by the District Magistrates in the past two years under these powers :—

Table showing the Number of Cases and Persons disposed of by District Magistrates under their Special Powers.

Division.	District.	Year.	Number of cases disposed of.	Number of persons disposed of.	Description of offence charged.
Arakan ...	Akyab ...	1885	22	27	Under sections 325, 326, 379, 380, 409, and 457 of the Indian Penal Code.
		1886	7	9	Under sections 379, 380, 394, 457, and 458 of the Indian Penal Code.
	Kyaukpyu ...	1885	10	10	Under sections 307, 325, 326, 380, 409, 411, 454, and 457 of the Indian Penal Code.
		1886	26	30	Under sections 307, 328, 379, 380, 392, 398, 412, 457, 458, and 466 of the Indian Penal Code.
	Sandoway ...	1885	9	11	Under sections 302, 376, 380, 411, and 457 of the Indian Penal Code.
		1886	11	11	Under sections 379/75, 380/75, and 457/75 of the Indian Penal Code.
	Northern Arakan ...	1885	.....	.....	.....
		1886	.....	.....	.....
Pegu ...	Hanthawaddy ...	1885	55	109	Under sections 193, 324, 326, 376, 379, 392, 393, 394, 395, 402, 411, 414, 436, 457, and 466 of the Indian Penal Code.
		1886	40	77	Under sections 326, 376, 378/105, 379/75, 380/75, 392, 392/75, 393, 393/105, 394, 394/75, 394/105, 394/411, 395, 395/75, 399, 399/105, 409, 436, 457/75, 412, 466, and 468 of the Indian Penal Code.
	Pegu ...	1885	31	59	Under sections 335, 376, 379, 380, 392, 394, 397, 402, 409, 412, 413, and 436 of the Indian Penal Code.
		1886	19	32	Under sections 326, 376, 379/75, 392, 394, 397, 400, 409, 412, and 436 of the Indian Penal Code.
	Tharrawaddy ...	1885	41	82	Under sections 326, 379, 380, 382, 392, 393, 394, 395, 409, and 411 of the Indian Penal Code.
		1886	27	42	Under sections 376, 379, 380, 392, 393, 394, 395, 408, 436, and 457 of the Indian Penal Code.
	Prome ...	1885	28	38	Under sections 307, 326, 376, 379, 381, 382, 392, 394, 395, and 457 of the Indian Penal Code.
		1886	25	30	Under sections 326, 376, 379/75, 380/75, 392, and 457/75 of the Indian Penal Code.
Irrawaddy ...	Henzada ...	1885	24	45	Under sections 324, 326, 379/75, 380/75, 382, 392, 394, 395, 397, 409, 411/75, 436, 457/75, 468, and 511 of the Indian Penal Code.
		1886	75	167	Under sections 302, 392, 393, 395, 399, 400, 402, 412, 435, and 436 of the Indian Penal Code.
	Bassein ...	1885	13	23	Under sections 240, 326, 366, 379, 380, 392, 394, 457, and 458 of the Indian Penal Code.
		1886	26	169	Under sections 121, 326, 392, 393, 394, 395, 398, 399, 400, 412, and 436 of the Indian Penal Code.
	Thôngwa ...	1885	52	97	Under sections 232, 243, 307, 326, 366, 370, 376, 379, 380, 382, 392, 394, 395, 409, 436, and 457 of the Indian Penal Code.
		1886	72	135	Under sections 122, 307, 314, 326, 366, 376, 377, 379/75, 380/75, 386, 392, 394, 395, 396, 400, 402, 408/75, 409, 411/75, 412, 435, 436, 451, and 457 of the Indian Penal Code.
	Thayetmyo ...	1885	5	5	Under sections 193, 326, and 379/75 of the Indian Penal Code, and section 48 of the Post Office Act.
		1886	6	7	Under sections 379, 380, 395, 397, and 455 of the Indian Penal Code.
Tenasserim ...	Amherst ...	1885	43	44	Under sections 304, 304A, 379/75, 318/105, 323, 326, 363, 376, 379, 379/75, 378/105, 380, 380/75, 381/105, 414, 436, 457/75, 458, and 459 of the Indian Penal Code.
		1886	41	57	Under sections 121, 122, 302/105, 379, 379/75, 379/105, 380, 380/75, 376, 392, 395, 397, 411/75, 412, 412/75, 436, 457, 458, and 411/75 of the Indian Penal Code.
	Shwegyin ...	1885	32	56	Under sections 302, 326, 379, 380, 392, 394, 395, 436, 448, 457, and 459 of the Indian Penal Code.
		1886	34	44	Under sections 379, 380, 302, 326, 392, 394, 395, 436, 448, 457, and 459 of the Indian Penal Code.
	Toungoo ...	1885	19	40	Under sections 126, 235, 304, 328, 379, 380, 382, 394, 403, 411, 456, 457, and 458 of the Indian Penal Code.
		1886	10	41	Under sections 122, 123, 379, 382, 392, 394, 411, and 457 of the Indian Penal Code.
	Tavoy ...	1885	3	5	Under sections 379, 457, and 459 of the Indian Penal Code.
		1886	14	19	Under sections 326, 379, 380, 381, 411, 414, and 457 of the Indian Penal Code.
	Mergui ...	1885	3	3	Under sections 292 and 380 of the Indian Penal Code.
		1886	4	6	Under sections 376, 380/75, 392/75, and 458 of the Indian Penal Code.
	Salween ...	1885	.....	.....	.....
		1886	1	1	Under section 395 of the Indian Penal Code.
	Moulmein ...	1885	.....	.....	.....
		1886	.....	.....	.....
	Total ...	1885	390	654	Under sections 126, 103, 232, 235, 240, 243, 292, 302, 304, 304A, 307, 318/105, 323, 324, 325, 326, 328, 335, 336, 370, 376, 379, 379/75, 379/105, 380, 380/75, 381, 382, 392, 392/75, 393, 394, 395, 397, 402, 403, 409, 411, 411/75, 412, 413, 414, 436, 448, 454, 456, 457, 457/75, 458, 459, 466, 468, and 511 of the Indian Penal Code, and section 48 of the Post Office Act.
		1886	438	877	Under sections 121, 122, 123, 302, 302/105, 307, 314, 326, 328, 366, 366/105, 376, 376/105, 377, 379, 379/75, 379/105, 380, 380/75, 382, 386, 392, 392/75, 392/105, 392/411, 392/411/75, 393, 394, 394/75, 394/105, 394/411, 395, 395/75, 396, 397, 398, 399/105, 399, 400, 402, 408, 408/75, 409, 411, 411/75, 412, 414, 414/75, 435, 436, 448, 451, 455, 457, 457/75, 458, 459, 466, 468, and 511/75 of the Indian Penal Code.

14. The next tables show the work done by the different classes of Magistrates during each of the past five years :—

Work done by District Magistrates.

Division.	Name of district.	Persons disposed of.				
		1882.	1883.	1884.	1885.	1886.
Arakan ...	Akyab	115	105	188	174	110
	Kyaukpyu	136	168	191	223	204
	Sandoway	142	164	170	258	281
	Northern Arakan	16	19	69	24	54
	Total ...	409	456	618	679	649
Pegu ...	Hanthawaddy	145	176	265	433	402
	Pegu	...	225	163	117	235
	Tharrawaddy	133	249	197	251	255
	Prome	190	187	224	141	162
	Total ...	468	837	849	942	1,054
Irrawaddy ...	Henzada	327	386	271	285	514
	Bassein	131	477	187	182	328
	Thôngwa	238	215	151	382	396
	Thayetmyo	285	181	236	132	232
	Total ...	981	1,259	845	981	1,470
Tenasserim ...	Amherst	79	110	152	157	253
	Shwegyin	125	184	208	262	503
	Toungoo	213	257	122	159	268
	Tavoy	107	87	117	147	126
	Mergui	233	232	171	380	199
	Salween	39	48	34	20	106
	Moulmein	402	443	630	404	322
	Total ...	1,198	1,361	1,434	1,529	1,777
	Grand Total ...	3,056	3,913	3,746	4,131	4,950
	Percentage to total disposed of by all Magistrates.	9·11	10·49	9·07	8·35	10·53

These statements include the work done by District Magistrates under the Burma Gaols Delivery Act of 1886.

In the spring of 1886 it was found that the ordinary procedure for the disposal of the cases of insurgents and dacoits who had been captured in the winter of 1885-86, was inadequate. There were also great difficulties in procuring the attendance of witnesses twice over, at the magisterial enquiry and afterwards at the Sessions. A short Act was therefore passed under which selected Magistrates were vested with powers of a Court of Session, for the trial of selected offences against the State, against the person, and against property, without commitment.

The Bill received the assent of the Governor-General in Council on the 16th July, and on the 27th July 15 officers were empowered by the local Government under the Act.

During the year these powers were exercised by 19 selected officers.

The first of the two statements below shows the numbers of cases and of persons tried under these special powers, with the results of the trials.

The second table shows the punishments awarded at these trials.

Table showing the Amount of Criminal Business in the several Districts, the Result of the Trials, the state of the Files at the close of the year, and the average durations of Cases tried under the Lower Burma Gaols Delivery Act of 1886.

Designation of Magistrate.	Number of persons							Number of cases			Average duration of cases.
	Brought to trial during the year.	Died, escaped, or were transferred.	Discharged or acquitted.	Convicted.	Committed or referred.	Total disposed of.	Remaining under trial.	Brought to trial during the year.	Disposed of.	Pending.	
Extra Assistant Commissioner of Pegu ..	72	4	43	25	..	68	..	1	1	..	189·
Extra Assistant Commissioner of Kyauktan ..	12	..	5	4	..	9	3	6	5	1	5·
District Magistrate of Pegu	76	..	34	32	3	69	7	27	24	3	23·
Extra Assistant Commissioner of Tharrawaddy	264	2	131	131	..	262	..	86	86	..	11·
District Magistrate of Tharrawaddy ..	128	..	40	45	16	101	27	54	44	10	30·
Extra Assistant Commissioner of Promo ..	56	1	15	31	5	51	4	22	20	2	39·
Assistant Commissioner of Paungdè ..	60	2	25	30	3	58	..	25	25	..	38·
Assistant Commissioner of Shwedaung ..	54	3	9	40	..	49	2	16	15	1	27·
District Magistrate of Promo	23	2	8	12	1	21	..	7	7	..	61·
Assistant Commissioner of Pantanaw ..	3	..	..	3	..	3	..	1	1	..	12·
District Magistrate of Thôngwa	154	..	44	86	5	135	19	54	49	5	22·
Assistant Commissioner of Bassein ..	161	3	24	122	2	148	10	65	60	5	17·
District Magistrate of Bassein	126	..	65	57	1	123	3	40	39	1	36·
Assistant Commissioner of Myanaung ..	170	..	68	90	4	162	8	77	74	3	18·
District Magistrate of Henzada	252	7	54	161	4	219	26	76	63	13	37·
District Magistrate of Thayetmyo ..	65	..	21	28	2	51	14	20	17	3	23·
Assistant Commissioner of Kyaikto ..	64	3	27	30	1	58	3	41	39	2	12·
District Magistrate of Shwegyin	57	4	13	36	3	52	1	11	10	1	19·
District Magistrate of Toungoo	72	..	32	39	1	72	..	29	29	..	18·
Total ..	1,869	31	658	1,002	51	1,711	127	658	608	50	24·

Table showing the various Punishments inflicted by the several Courts on Persons Convicted in cases Tried under the Lower Burma Gaols Delivery Act of 1886.

Designation of Magistrate.	NUMBER OF PERSONS SENTENCED TO										AMOUNT OF FINE		
		Transportation.		IMPRISONMENT.									
				Rigorous.		*Simple.*							
	Death.	For life.	For a term.	Over seven years.	Seven years and under.	Over seven years.	Seven years and under.	Solitary confinement.	Fine.	Whipping.	Imposed.	Realized.	Awarded as compensation.
											Rs. A. P.	Rs. A. P.	Rs. A. P.
Extra Assistant Commissioner of Pegu.	..	19	..	..	..	..	..	..	..	6	..	..	..
Extra Assistant Commissioner of Kyauktan.	..	1	3	..	..	..	..	..	..	..	..	..	..
District Magistrate of Pegu ..	8	15	14	..	8	..	..	..	..	..	..	..	..
Extra Assistant Commissioner of Tharrawaddy.	..	55	60	..	10	..	..	..	..	6	..	..	..
District Magistrate of Tharrawaddy.	5	25	17	..	3	..	..	..	..	..	..	..	..
Extra Assistant Commissioner of Prome.	5	8	..	4	19	..	..	..	..	8*a*	..	..	..
Assistant Commissioner of Paungdè.	3	13	11	1	4	..	..	..	..	1	..	..	..
Assistant Commissioner of Shwedaung.	..	12	15	9	4	..	..	..	1*a*	..	150 0 0	..	..
District Magistrate of Prome ..	1	..	11	..	..	..	1	..	..	..	..	..	..
Assistant Commissioner of Pantanaw.	..	..	..	..	3	..	..	..	..	..	..	..	..
District Magistrate of Thôngwa	5	15	46	..	24	..	..	..	..	1	..	..	..
Assistant Commissioner of Bassein.	2	10	33	4	75	..	..	..	..	..	..	..	..
District Magistrate of Bassein	1	13	10	1	33	..	..	..	6*a*	2*b*	3,000 0 0	121 14 6	..
Assistant Commissioner of Myanaung.	4	11	39	10	25	..	..	..	12*a*	9*c*	540 0 0	71 4 0	..
District Magistrate of Henzada	4	65	58	11	25	..	..	..	..	12*d*	..	..	..
District Magistrate of Thayetmyo.	2	1	23	..	2	..	..	..	2	..	100 0 0	..	..
Assistant Commissioner of Kyaikto.	1	21	..	3	5	..	..	..	1	..	5 0 0	..	..
District Magistrate of Shwegyin	3	34	2	..	..	..	..	..	..	..	..	..	..
District Magistrate of Toungoo	1	12	21	..	6	..	..	..	3*a*	..	700 0 0	..	..
Total ..	40	330	363	43	241	..	1	..	25	40	4,495 0 0	193 2 6	..

(*a*) In addition to imprisonment.
(*b*) In addition to transportation.
(*c*) Four in addition to imprisonment.
(*d*) Two in addition to imprisonment.

The offences triable under this procedure included nearly all the more serious offences against the person and against property. The appeal lay to my Court and, as there was an appeal in nearly every conviction, I had ample opportunities of observing the working of the Act. However carefully the selection might be made, it was possible that the reasonable expectations of Government might be disappointed. In the case of four officers this happened. The others justified the action of the Government in trusting them with these large powers. On the whole the cases were fairly well and expeditiously tried. I think the Act has proved a very useful measure.

Work done by Assistant Commissioners and Extra Assistant Commissioners.

Division.	Name of district.	Persons disposed of.				
		1882.	1883.	1884.	1885.	1886.
Arakan ...	Akyab ...	782	783	1,196	860	808
	Kyaukpyu	172	311	181	402	731
	Sandoway	186	3	...	...	...
	Northern Arakan ...	...	...	...	...	...
	Total ...	1,140	1,097	1,377	1,262	1,539
Pegu ...	Hanthawaddy	865	1,051	987	780	574
	Pegu ...	861	887	521	1,495	1,350
	Tharrawaddy	760	1,048	1,170	1,825	1,837
	Prome ...	3,124	3,495	3,678	3,428	2,815
	Total	5,610	6,481	6,356	7,528	6,576
Irrawaddy...	Henzada	699	889	1,450	2,131	1,466
	Bassein	1,108	710	1,014	1,353	2,008
	Thôngwa	775	884	336	973	1,096
	Thayetmyo	997	1,115	1,128	980	827
	Total ...	3,574	3,598	3,928	5,437	5,397
Tenasserim	Amherst	835	784	757	880	612
	Shwegyin	1,297	1,233	1,016	1,598	1,716
	Toungoo	528	507	598	757	455
	Tavoy ...	292	173	318	529	410
	Mergui	145	211	196	249	...
	Salween	...	...	...	...	...
	Moulmein	...	...	...	...	...
	Total ...	3,097	2,908	2,880	4,009	3,193
	Grand Total ...	13,421	14,084	14,541	18,231	16,705
	Percentage to total disposed of by all Magistrates.	40·08	37·75	35·20	36·87	35·55

Work done by Myoôks.

Division.	Name of district.	Persons disposed of.				
		1882.	1883.	1884.	1885.	1886.
Arakan ...	Akyab ...	801	865	714	1,381	1,330
	Kyaukpyu	1,024	722	870	788	577
	Sandoway	246	309	329	321	299
	Northern Arakan ...	...	...	...	...	...
	Total ...	2,071	1,896	1,913	2,440	2,206
Pegu ...	Hanthawaddy	741	521	598	1,168	1,769
	Pegu ...	587	956	1,543	932	998
	Tharrawaddy	1,815	1,453	1,771	1,522	1,101
	Prome ...	669	511	854	1,344	1,600
	Total ...	3,812	3,441	4,766	4,966	5,468
Irrawaddy...	Henzada	2,149	2,483	2,266	2,366	2,418
	Bassein...	2,069	2,748	3,084	4,145	2,682
	Thôngwa	1,576	2,118	2,903	3,374	2,948
	Thayetmyo	718	505	886	921	991
	Total ...	6,512	7,854	9,139	10,806	9,039
Tenasserim	Amherst	657	721	844	904	1,155
	Shwegyin	824	486	708	362	210
	Toungoo	482	480	464	620	635
	Tavoy ...	58	55	35	...	57
	Mergui...	76	103	46	140	613
	Salween	22	34	37	55	42
	Moulmein	500	1,051	1,428	1,270	1,143
	Total ...	2,119	2,930	3,562	3,351	3,855
	Grand Total ...	14,514	16,121	19,380	21,563	20,568
	Percentage to total disposed of by all Magistrates.	43·29	43·21	46·91	43·60	43·76

Work done by Honorary Magistrates, including Benches and Special Magistrates.

Division.	Name of district.	Persons disposed of.				
		1882	1883.	1884.	1885.	1886.
Arakan ...	Akyab	280	369	178	226	397
	Kyaukpyu	...	...	...	...	...
	Sandoway	...	...	...	...	...
	Northern Arakan	...	...	...	...	...
	Total ...	280	369	178	226	397
Pegu ...	Hanthawaddy	...	...	...	...	...
	Pegu	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...
	Prome	150	3	286	488	749
	Total ...	150	3	286	488	749
Irrawaddy...	Henzada	154	227	396	1,397	189
	Bassein	333	352	326	640	690
	Thôngwa	11	171	111	120	102
	Thayetmyo	...	...	...	...	...
	Total ...	498	750	833	2,157	981
Tenasserim	Amherst	63	47	96	131	191
	Shwegyin	...	...	...	...	...
	Toungoo	290	212	271	291	324
	Tavoy	...	...	...	...	...
	Mergui	...	...	...	...	...
	Salween	...	...	...	...	...
	Moulmein	1,255	1,806	1,983	2,234	2,132
	Total ..	1,608	2,065	2,350	2,656	2,647
	Grand Total ...	2,536	3,187	3,647	5,527	4,774
	Percentage to total disposed of by all Magistrates.	7 57	8 55	8·83	11·18	10·16

I commend the Honorary Magistrates of the Benches of Moulmein, Prome, and Bassein to the favourable notice of the Chief Commissioner for useful services rendered during the year.

15. The two following tables show the results of inquiries and trials before Magistrates during the past two years for the whole district, and also under selected offences :—

Result of Trials and Inquiries by Magistrates in each District.

Division.	District.	Persons under trial.	Convicted or committed.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions and committals to total tried.	
						1885.	1886.
Arakan.	Akyab	2,682	1,447	1,198	37	58·99	54·71
	Kyaukpyu	1,545	993	519	33	61·26	65·67
	Sandoway	586	366	214	6	69·60	63·10
	Northern Arakan	54	42	12	...	66·67	77·78
	Total ...	4,867	2,848	1,943	76	61·04	59·44
Pegu.	Hanthawaddy	2,782	1,649	1,096	37	60·10	60·07
	Pegu	2,677	1,414	1,169	94	54·64	54·74
	Tharrawaddy	3,310	1,987	1,256	117	60·67	60·66
	Promo	5,411	3,457	1,869	85	65·40	64·91
	Total ...	14,180	8,457	5,390	333	61·30	61·07
Irrawaddy.	Henzada	4,695	3,154	1,433	108	65·82	68·76
	Bassein	5,827	3,357	2,351	119	59·81	58·81
	Thôngwa	4,663	2,536	2,006	121	54·84	55·83
	Thayetmyo	2,083	1,264	786	33	58·44	61·66
	Total ...	17,268	10,311	6,576	381	60·34	61·06
Tenasserim.	Amherst	2,275	1,288	923	64	57·67	58·25
	Shwegyin	2,506	1,453	976	77	54·32	59·82
	Toungoo	1,687	1,040	642	5	54·73	61·83
	Tavoy	594	342	251	1	57·89	57·67
	Mergui	814	624	188	2	59·04	76·85
	Salween	152	123	25	4	65·33	83·11
	Moulmein	3,740	1,957	1,640	143	59·77	54·41
	Total ...	11,768	6,827	4,645	296	57·42	59·51
	Grand Total ...	48,083	28,443	18,554	1,086	60·00	60·52

This table shows unsatisfactory results. In Bengal, where the difficulties of the prosecution are certainly not less than here, the average percentage of convictions to persons tried is seldom below 68 per cent. The results of the past year are lowest in the districts of Akyab, Pegu, Thôngwa, and Moulmein. The percentages are highest in Kyaukpyu, Henzada, Mergui, and in the Hill Tracts of Arakan and Salween.

Result of Trials and Inquiries by Magistrates under selected Offences.

Description of offence.	Number of persons discharged, acquitted, convicted, or committed.	Convicted or committed.		
		Number.	Percentage.	
			1885.	1886.
Offences against public tranquillity	1,646	1,015	64·55	61·66
Grievous hurt	446	231	52·00	51·79
Simple hurt	1,988	802	40·68	40·34
Criminal force or assault	4,224	1,509	33·69	35 72
Rape	95	43	35·71	45·26
Theft (ordinary and of cattle)	6,878	4,406	62·07	64·06
Extortion with aggravating circumstances...	6	5	83·33	83·33
Robbery, including attempts	564	332	62 32	58·87
Dacoity	2,625	1,629	70·28	62·06
Criminal misappropriation	277	128	54·06	44·40
Criminal breach of trust	250	126	51·87	50·40
Receiving or habitually dealing in stolen property	513	332	62 50	64·74
Cheating	168	69	39·73	41·07
Mischief	901	257	31·33	28·52
Criminal trespass	530	171	22·70	32·26
House-trespass	465	181	43·98	38·92
Housebreaking and lurking house-trespass by day or night ..	558	349	56·52	62·54
Offences relating to documents and to trade or property marks ...	41	10	13 33	24·39
Defamation	95	21	24·51	22·11
Criminal intimidation, insult, and annoyance	1,992	646	29·36	32·43
Nuisances under Cantonment, Municipal, and Police Acts ...	3,721	3,032	85·68	81·48
Breaches of other special and local laws	13,601	9,688	71·07	71·23

16. The number of persons committed to the Sessions and the proportion of convictions to committals is shown below :—

Sessions division.	Cases committed.	Persons committed.	Percentage of persons convicted to total persons disposed of.	
			1885.	1886.
Arakan	47	60	87·23	66·13
Pegu	90	212	48·10	52·73
Irrawaddy	129	396	60·63	62·68
Tenasserim	131	555	68·52	72·95
Moulmein	20	41	44·68	24·39
Total ...	575	1,210	58·63	64·22

The percentage of convictions to persons committed is low in the Moulmein Court. Mr. Sen, the officiating Judge, who joined his appointment in July, offers the following explanation :—

"The large decrease in commitments I can only attribute to greater care having been exercised in inquiries and more discretion used in sending up cases really fit for the Sessions, as the number of cases in which the Government Prosecutor withdrew from the prosecution was much less than in the previous year.

"The proportion of convictions fell as regards the number of persons, but this was due to no less than 14 persons being acquitted in three cases. In 10 of the 20 cases committed convictions were obtained, while in the previous year convictions were had in 21 out of 37 cases."

The figures do not altogether support this explanation. The results, both as to the ratio of convictions to cases tried and of convictions to persons disposed of, were lower in 1886 than in 1885. The Moulmein juries are composed of much the same materials as the Rangoon juries. The machinery for commitment is about the same in Moulmein as in Rangoon. The percentage of convictions to persons disposed of in the Recorder's Court was 69·35 in 1885 and 55·88 in 1886.

The average of convictions in the Pegu Sessions Court has risen from 48·10 to 52·73. It is still lower than in the other three Sessions divisions.

The Arakan Sessions Judge remarks on the necessity of increased care in making commitments. For some years past the ratio of convictions to persons tried has been higher in the Arakan Court than in any other Court of Session in the province.

17. The following table compares the sentences passed in Sessions Courts in the past two years:—

Punishments in Sessions Courts.

Class of punishment.	1885.	1886.
Death	36	66*
Transportation for life	68	444
Transportation for a term	37	204
Rigorous imprisonment only	151	123†
Simple imprisonment only	4	6
Fine only	1	...
Whipping only	11	31
Fine and whipping only	...	...
Rigorous imprisonment with fine	5	1
Rigorous imprisonment with whipping	2	...
Simple imprisonment with fine	...	...
Total ...	310	875

There is a very large increase in the application of the most severe forms of punishment. Ample justification for this is to be found in the great increase of serious crime. Some of the dacoities were attended with circumstances of horrible brutality. Sometimes the owner of a dacoited house was burned to death with rags soaked in kerosine-oil because he persisted in denying the possession of hidden treasure. Others were tied to posts and were shot for the same reason. Sometimes aged women or children were tortured or killed for no discoverable object. I remember one case in which the right bosom of a girl of 18 was cut off because she could not point out where her father's valuables were concealed. It was a common practice to lead away one or more captives as the dacoits retreated from a village. These were sometimes killed or wounded, if there was any pursuit. Vast quantities of grain and household property were wantonly destroyed, as the dacoits habitually fired the villages during attacks.

18. The next table shows the different classes of punishments inflicted in Magisterial Courts:—

* These sentences are shown in the statements as referred.
† Two penalties inflicted on the same offender.

Punishments in Magisterial Courts.

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping, or both.		Solitary confinement.		Transportation for a term.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Arakan ..	Akyab	1,406	851	60·53	43	3·06	..	..	412	29·30	7	0·50	83	5·90	1	0·07	..	..
	Kyaukpyu	928	553	59·59	22	2·37	..	..	253	27·26	6	0·65	80	8 62	..	..	..	..
	Sandoway	346	151	43·64	4	1·16	..	..	141	40·75	..	..	46	13·29	..	..	..	..
	Northern Arakan ..	34	17	50·00	1	2·94	..	..	11	32·35	..	..	5	14·71	..	..	..	..
	Total ..	2,714	1,572	57·92	70	2·58	..	..	817	30·10	13	0·48	214	7·89	1	0·04	..	..
Pegu ..	Hanthawaddy ..	1,540	926	60·13	53	3·44	..	..	511	33 18	5	0·32	35	2·27	..	..	..	..
	Pegu	1,141	636	55·74	31	2·72	..	..	344	30·15	12	1·05	57	5·00	4	0·35	22	1·93
	Tharrawaddy ..	1,649	646	39·18	31	1·88	..	..	636	38·57	1	0·06	54	3·27	13	0 79	77	4·67
	Prome	3,187	1,862	58·42	107	3·36	..	..	844	26·48	24	0·75	240	7·53	5	0·16	37	1 16
	Total ..	7,517	4,070	54·14	222	2·95	..	..	2,335	31·06	42	0·56	386	5·14	22	0·29	136	1·81
Irrawaddy ..	Henzada	2,999	1,668	55·62	95	3·17	..	..	816	27·21	19	0·63	135	4·50	24	0·80	97	3·23
	Bassein	3,082	1,585	51·43	144	4·67	..	..	971	31·51	8	0·26	103	3·34	2	0·06	43	1·40
	Thôngwa	2,288	1,239	54·15	108	4·72	2	0·09	594	25·96	21	0·92	136	5·94	25	1·09	46	2·01
	Thayetmyo	1,103	661	59·93	93	8·43	..	..	233	21·12	5	0·45	73	6·62	1	0·09	23	2·09
	Total ..	9,472	5,153	54·40	440	4·65	2	0·02	2,614	27·60	53	0·56	447	4·72	52	0·55	209	2·21
Tenasserim ..	Amherst	1,153	590	51·17	49	4·25	..	..	431	37·38	23	1·99	49	4·25	2	0·17	..	..
	Shwegyin	981	547	55·76	28	2·86	..	..	214	21·81	16	1·63	38	3·87	..	..	2	0·20
	Toungoo	970	620	63·92	36	3·71	..	..	181	18·66	13	1·34	65	6·70	2	0·21	21	2·16
	Tavoy	330	193	58·48	12	3·64	..	..	113	34·24	2	0·61	10	3·03	..	..	..	..
	Mergui	609	440	72·25	22	3·61	..	..	82	13·46	10	1·64	53	8·70	..	..	..	..
	Salween	57	1	1·75	..	..	..	..	23	40·35	2	3·51	31	54·39	..	..	..	..
	Moulmein	1,913	1,660	86·77	43	2·25	..	..	141	7·37	5	0·26	16	0·84	..	..	..	..
	Total ..	6,013	4,051	67·37	190	3·16	..	..	1,185	19·71	71	1·18	262	4·36	4	0·07	23	0·38
	Grand Total ..	25,716	14,846	57·73	922	3·59	2	0·01	6,951	27·03	179	0·70	1,309	5·09	79	0·31	368	1·43

The punishment of whipping might properly be more often applied than at present. It is least made use of in the Arakan division. It was more often applied in the light district of Thayetmyo than in all the districts of the Arakan division taken together. The attention of the Sessions Judge has been invited to this. I pointed out the advantages of the use of this form of punishment in my report for 1885, and I have urged these arguments upon District Magistrates as occasion offered.

Solitary confinement is very rarely employed here. There are difficulties in carrying out such a sentence in the provincial jails, and many officers of experience in Burma and of the Burmese character doubt the efficacy of this form of punishment.

19. The degrees of punishment inflicted in Sessions and Magisterial Courts are given below:

Degrees of Punishment in Sessions and Magisterial Courts.

Degrees of punishment.	1885.		1886.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	824	7·80	659	7·43
Not exceeding 6 months	6,401	60·56	4,942	55·75
Not exceeding 2 years	2,601	24·61	2,273	25·64
Not exceeding 7 years	715	6·76	915	10·32
Exceeding 7 years	29	0·27	76	0·86
Total ...	10,570	100·00	8,865	100·00
Whipping (b)—				
10 stripes and under	269	17·67	186	15·86
11 to 20 stripes	773	50·79	581	49·53
21 to 30 stripes	480	31·54	406	34·61
Total ...	1,522	100·00	1,173	100·00
Fine (c)—				
Rupees 10 and under	11,526	66·39	10,034	62·86
Rupees 50 and under	4,653	26·80	5,112	32·03
Rupees 100 and under	890	5·12	589	3·69
Rupees 500 and under	281	1·62	215	1·35
Rupees 1,000 and under	12	0·07	11	0·07
Exceeding Rupees 1,000	...	...	...	...
Total ...	17,362	100·00	15,961	100·00

(a) With or without fine or whipping. | (b) With or without imprisonment or fine.
(c) With or without imprisonment or whipping.

This statement shows that Magistrates have used the powers entrusted to them more freely. The sentences of imprisonment of six months and under are less, while those not exceeding seven years and under have considerably increased. The sentences of whipping also show a marked increase of severity.

Table showing the Sentences passed on Persons previously convicted.

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
	IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.									
	Transportation.	Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.	Fine only.	Whipping only.	Total.
Persons previously convicted once ...	25	3	65	284	172	26	9	78	48	710
Persons previously convicted twice ...	8	1	67	85	22	4	...	1	3	191
Persons previously convicted three times	6	1	33	21	3	1	...	1	...	66
Persons previously convicted four times	3	2	9	2	12	...	...	40	2	70
Persons previously convicted five times...	...	...	5	...	...	...	...	1	...	6
Persons previously convicted six times...	...	...	...	1	3	1	...	1	1	7
Persons previously convicted eight times	1	...	...	...	...	...	...	...	...	1
Persons previously convicted nine times	...	...	...	...	...	...	...	...	...	...
Total ...	43	7	179	393	212	32	9	122	54	1,051

I have considered many of these cases in revision. In some of them the sentences have been enhanced, in others I have attempted to impress upon Magistrates the necessity of dealing adequately with old offenders.

Some of the last convictions shown in this statement are not such as fall within the operation of section 75, Indian Penal Code. In some the old offender was convicted under the Excise or Opium Acts, or under the Police Act for nuisance.

20. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, is shown below:—

	1885.			1886.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	3,15,010	3	4	2,87,028	6	0
Realized	2,15,315	12	8	2,05,399	12	0
Remitted	9,697	12	6	10,776	9	0
Struck off	26,743	4	5	33,941	12	6
Compensation granted	34,672	0	7	28,629	9	6

The outstanding balances have been reduced on examination by Commissioners, who are now empowered to strike off irrecoverable fines. The amount of compensation granted is less than in 1885. This is partly due to there being a falling off in the cases in which fine was an appropriate form of punishment, still the amount awarded is relatively small. This power of making awards was sparingly used in the following districts: Akyab, Kyaukpyu, Bassein, Henzada, Mergui, and Moulmein.

21. The next table shows the detention of witnesses in Magisterial Courts and the number of witnesses examined:—

Examination and Detention of Witnesses in Magisterial Courts.

Witnesses discharged in all Courts.	1885.		1886.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1885.	1886.
First day	104,126	86·55	95,766	85·86	95,258	86,675
Second day	12,398	10·31	12,293	11·02	11,724	10,501
Third day	2,648	2·20	2,895	2·15	2,509	1,888
After third day	1,133	0·94	1,082	0·97	1,082	871
Total ...	120,305	100·00	111,536	100·00	110,573	99,935

The detention of witnesses has been about the same as in 1885. Considering the great pressure of executive duties during the year the results shown in this and in the next table are creditable to the Magistracy.

22. The following table shows the average duration of cases brought to trial and disposed of by Magistrates, distinguishing complaint and direct cases from police cases :—

Duration Statement of Cases in Magisterial Courts.

Division.	Name of district.	Police cases.			Complaint and direct cases.			Average duration of all cases.	
		Total cases disposed of.	Total duration.	Average duration.	Total cases disposed of.	Total duration.	Average duration.	1885.	1886.
Arakan.	Akyab	1,189	7,249	6·	525	2,848	5·	7·	6·
	Kyaukpyu	872	4,229	5·	244	1,512	6·	6·	5·
	Sandoway	289	2,050	7·	135	476	4·	5·	6·
	Northern Arakan ...	27	111	4·	11	208	19·	1·	8·
	Total ...	2,377	13,639	6·	915	5,044	6·	7·	6·
Pegu.	Hanthawaddy ...	994	8,133	8·	307	4,279	14·	9·	10·
	Pegu	861	6,702	8·	452	4,189	9·	9·	8·
	Tharrawaddy	1,643	13,986	9·	181	2,814	16·	10·	9·
	Prome	2,558	24,537	10·	774	5,120	7·	8·	9·
	Total ...	6,056	53,358	9·	1,714	16,402	10·	9·	9·
Irrawaddy.	Henzada	1,296	12,350	10·	1,708	10,561	6·	5·	8·
	Bassein	2,129	10,049	5·	1,173	7,701	7·	6·	5·
	Thôngwa	1,634	5,932	4·	951	7,077	7·	8·	5·
	Thayetmyo	841	5,888	7·	411	3,010	7·	6·	7·
	Total ...	5,900	34,219	6·	4,243	28,349	7·	6·	6·
Tenasserim.	Amherst	735	4,323	6·	714	4,081	6·	7·	6·
	Shwegyin	774	6,549	8·	373	2,065	6·	11·	8·
	Toungoo	560	3,250	6·	420	1,716	4·	4·	5·
	Tavoy	197	1,329	7·	231	1,936	8·	7·	8·
	Mergui	293	945	3·	272	441	2·	7·	2·
	Salween	88	878	10·	14	130	9·	3·	10·
	Moulmein	1,053	4,359	4·	1,341	10,984	8·	8·	6·
	Total ...	3,650	21,133	6·	3,365	21,353	6·	7·	6·
	Grand Total ...	17,983	122,349	7·	10,237	71,148	7·	7·	7·

23. The duration of cases tried by Courts of Session in the past two years, calculated from the day of commitment, is given below :—

Duration of Cases in Sessions Courts.

Sessions division.	Number of cases tried.	Total duration.	Average duration. 1885.	Average duration. 1886.	Longest duration.	Remarks.
Arakan	48	1,756	60·	37·	111·	
Pegu	97	6,091	32·	63·	144·	
Irrawaddy	183	10,640	47·	80·	235·	
Tenasserim	130	4,754	47·	37·	122·	
Moulmein	20	444	20·	22·	56·	
Total ...	428	23,685	42·	55·	235·	

This table discloses strong grounds for the necessity of the Burma Gaols Delivery Act. When that Act was passed the criminal business had got beyond the powers of the Sessions Judges of Pegu and Irrawaddy, although a junior officer had been appointed as Additional Judge. Pending the passing of the Act Mr. Hodgkinson, who was then Special Commissioner, went on tour as a Sessions Judge in addition to his own duties.

The Pegu Sessions Judge explains :

" The increased average of the duration of Sessions cases was due to the large increase of work consequent upon the disturbed state of the country."

The Sessions Judge of Irrawaddy writes :

" The heavy work on the judicial and revenue sides and the disturbed state of the division have prevented the Sessions Judge from dealing with commitments with despatch."

By the end of the year the officers vested under the Gaols Delivery Act succeeded in reducing the business to more manageable dimensions. Taking into consideration these exceptional circumstances the average duration does not contrast very unfavourably with the figures for 1885.

24. The number of appeals disposed of last year as compared with the previous year is shown below :—

Appellate Courts	1885.	1886.
District Magistrates	810	639
Sessions Judges	1,809	1,418
Judicial Commissioner	372	1,174

There were 23 Courts exercising Sessions powers simultaneously in the province during the last half of the year. The whole of the appeals came to me. I thought it unsafe to dispose of any of them in a summary way, as many of the Judges were new to their work and required close supervision. Every file was read and considered; judgments were written in every appeal.

25. The results of appeals disposed of are shown in the next table :—

Result of Appeals.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Person whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.
Arakan.	District Magistrate of Akyab ...	44	53	...	40	7	...	6	75·47
	District Magistrate of Kyaukpyu	116	130	...	71	23	...	36	54·62
	District Magistrate of Sandoway	23	28	3	20	4	...	1	82·14
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...
	Sessions Judge of Arakan ...	308	318	214	27	34	10	32	75·79
	Total ...	491	529	217	158	68	10	75	70·89
Pegu.	District Magistrate of Hanthawaddy.	19	39	...	21	12	1	5	53·85
	District Magistrate of Pegu ...	10	10	10	...	...	...	...	100·00
	District Magistrate of Tharrawaddy.	34	37	8	18	1	2	7	70·27
	District Magistrate of Prome ...	98	109	3	87	12	1	6	82·57
	Sessions Judge of Pegu ...	456	552	438	29	34	1	48	84·60
	Judicial Commissioner, Lower Burma.	1,174	1,625	767	453	97	19	278	75·08
	Total ...	1,791	2,372	1,226	608	156	24	339	77·82
Irrawaddy.	District Magistrate of Henzada ...	33	38	7	24	1	2	4	81·58
	District Magistrate of Bassein ...	47	56	...	26	1	7	21	46·43
	District Magistrate of Thôngwa ...	42	59	2	27	8	...	22	49·15
	District Magistrate of Thayetmyo	63	75	...	50	1	2	22	66·67
	Sessions Judge of Irrawaddy ...	332	405	72	205	22	17	65	68·40
	Total ...	517	633	81	332	33	28	134	65·24
Tenasserim.	District Magistrate of Amherst ...	28	38	2	23	2	...	8	65·79
	District Magistrate of Shwegyin...	31	38	...	8	13	...	6	21·05
	District Magistrate of Toungoo ...	21	34	...	19	8	...	7	55·88
	District Magistrate of Tavoy ...	7	11	1	3	3	...	4	36·36
	District Magistrate of Mergui ...	8	8	...	4	2	...	2	50·00
	District Magistrate of Salween ...	3	13	1	...	8	...	4	7·69
	District Magistrate of Moulmein	12	19	3	14	...	...	2	89·47
	Sessions Judge of Moulmein ...	45	46	2	24	8	...	12	56·52
	Sessions Judge of Tenasserim ...	272	355	114	174	9	12	44	81·13
	Total ...	427	562	123	269	53	12	89	69·75
	Grand Total ...	3,226	4,096	1,647	1,367	310	74	637	73·58

Sentences were most frequently disturbed by District Magistrates in the districts of Salween, Shwegyin, Tavoy, Bassein, Thôngwa, Mergui, and Toungoo. In the district of Salween only one sentence in 13 escaped alteration. I have seen much of the work of the subordinate magistracy of these districts; taken as a whole it is not worse than that of the subordinate Magistrates of Pegu, Sandoway or Henzada, where over 80 per cent. of the appeals were rejected or dismissed.

26. *References to Sessions Judges under Section 34, Criminal Procedure Code.*

Division.	Reference by whom made.	Sentences. Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Arakan ...	District Magistrate of Akyab	8	8*	..	...	...
	District Magistrate of Kyaukpyu ...	10	10	...	...	...
	District Magistrate of Sandoway ...	...	...	...	...	...
	District Magistrate of Northern Arakan ...	...	...	...	...	...
	Total ...	18	18	...	...	...
Pegu ...	District Magistrate of Hanthawaddy ...	58	55	...	3	...
	District Magistrate of Pegu	16	16	...	...	...
	District Magistrate of Tharrawaddy ...	24	18	2	4	...
	District Magistrate of Prome	31	29	1	1	...
	Total ...	129	118	3	8	...
Irrawaddy...	District Magistrate of Henzada ...	45	40	2	3	...
	District Magistrate of Bassein ...	73	50	1	13	1
	District Magistrate of Thôngwa ...	97†	69	5	15	...
	District Magistrate of Thayetmyo ...	4	3	1	...	...
	Total ...	219	162	9	31	1
Tenasserim	District Magistrate of Amherst ...	25	23	...	2	...
	District Magistrate of Shwegyin ...	18	9	9	..	...
	District Magistrate of Toungoo ...	13	7	...	6	...
	District Magistrate of Tavoy	6	5	...	1	...
	District Magistrate of Mergui ...	7	6	1	...	...
	District Magistrate of Salween ...	1	1	...	...	...
	District Magistrate of Moulmein ...	...	...	...	...	...
	Total ...	70	51	10	9	...
	Grand Total ...	436	349	22	48	1

* Eight died or escaped. | † One referred and seven died or escaped.

27. *References to Judicial Commissioner under Section 374, Criminal Procedure Code.*

Reference by whom made.	Sentences. Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
District Magistrate of Pegu	3	2	1	...	...
District Magistrate of Tharrawaddy	5	3	2	...	...
Sessions Judge of Arakan	10*	6	..	2	1
Assistant Commissioner of Paungdè	3	1	2	...	...
District Magistrate of Prome	1	...	...	1	...
Extra Assistant Commissioner of Prome	5	4	1	...	...
Sessions Judge of Pegu	12	10	2	...	...
District Magistrate of Thôngwa	4	2	...	1	1
District Magistrate of Bassein	1	...	...	...	1
Assistant Commissioner of Bassein	2	...	2	...	...
Sessions Judge of Irrawaddy	20	14	4	1	1
District Magistrate of Henzada	4†	...	...	...	...
Assistant Commissioner of Myanaung	1	1	...	...	...
District Magistrate of Thayetmyo	2	...	...	...	2
Sessions Judge of Tenasserim	27	21	4	2	...
District Magistrate of Toungoo	1	...	...	...	1
District Magistrate of Shwegyin	3	1	2	...	...
Assistant Commissioner of Kyaikto	1	...	1	...	...
Sessions Judge of Moulmein	4	...	...	4	...
Total ...	109	65	21	11	7

* One new trial ordered. | † Four new trials ordered.

28. *References to Judicial Commissioner under Section 438, Criminal Procedure Code.*

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	District Magistrate of Akyab...	3	3	2	...	...	...	1	1	
	District Magistrate of Kyaukpyu.	12	14	5	...	5	2	1	2	
	District Magistrate of Sandoway.	2	2	2	...	...	...	...	...	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	37	45	15	...	...	26	4	4	
	Total ...	54	64	24	...	5	28	6	7	
Pegu.	District Magistrate of Hanthawaddy.	8	24	13	...	9	1	1	1	
	District Magistrate of Pegu ...	15	28	21	...	6	...	1	1	
	District Magistrate of Tharrawaddy.	1	2	2	...	...	...	...	...	
	District Magistrate of Prome...	6	7	2	...	...	3	2	2	
	Sessions Judge of Pegu ...	9	18	11	...	1	4	2	2	
	Total ...	39	79	49	...	16	8	6	6	
Irrawaddy.	District Magistrate of Henzada	9	9	6	...	...	2	1	1	
	District Magistrate of Bassein	6	11	2	1	...	6	1	2	
	District Magistrate of Thôngwa	12	30	14	...	2	6	...	...	Eight new trials ordered.
	District Magistrate of Thayetmyo.	10	13	10	...	...	1	1	2	
	Sessions Judge of Irrawaddy...	22	79	53	1	5	6	...	...	Fourteen new trials ordered.
	Total ...	59	142	85	2	7	21	3	5	Twenty-two new trials ordered.
Tenasserim.	District Magistrate of Amherst	1	1	...	1	...	...	...	...	
	District Magistrate of Shwegyin.	2	13	2	...	...	11	...	...	
	District Magistrate of Toungoo	3	5	3	...	2	...	...	...	
	District Magistrate of Tavoy...	1	1	...	...	...	1	...	...	
	District Magistrate of Mergui...	3	7	...	...	7	...	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein.	2	2	1	...	...	...	...	...	One new trial ordered.
	Sessions Judge of Moulmein ...	2	2	2	...	...	...	...	...	
	Sessions Judge of Tenasserim	21	77	6	...	31	23	6	14	Three new trials ordered.
	Total ...	35	108	14	1	40	35	6	14	Four new trials ordered.
	Grand Total ...	187	393	172	3	68	92	21	32	Twenty-six new trials ordered.

29. *Cases called for by the Judicial Commissioner at the instance of Parties or their Friends under Section 435, Criminal Procedure Code.*

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	4	4	2	...	...	...	2	2	
	Kyaukpyu	1	1	1	...	...	...	...	...	
	Sandoway	...	...	...	...	...	...	...	...	
	Northern Arakan	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	...	...	...	...	...	...	...	...	
	Total ...	5	5	3	...	...	...	2	2	
Pegu.	Hanthawaddy	3	3	3	...	...	...	...	...	
	Pegu	10	13	8	2	...	...	2	3	
	Tharrawaddy	6	7	5	...	...	...	2	2	
	Prome	4	4	4	...	...	...	...	...	
	Sessions Judge of Pegu ...	...	...	...	...	...	...	...	...	
	Total ...	23	27	20	2	..	...	4	5	
Irrawaddy.	Henzada	2	4	4	...	...	...	...	...	
	Bassein	...	...	...	...	...	...	...	...	
	Thôngwa	10	37	32	...	...	5	...	...	
	Thayetmyo	5	8	8	...	...	...	...	...	
	Sessions Judge of Irrawaddy ...	...	...	...	...	...	...	...	...	
	Total ...	17	49	44	...	...	5	...	...	
Tenasserim.	Amherst	1	1	1	...	...	...	...	...	
	Shwegyin	2	2	2	...	...	...	...	...	
	Toungoo	3	3	2	...	...	1	...	...	
	Tavoy	...	...	...	...	...	...	...	...	
	Mergui	...	...	...	...	...	...	...	...	
	Salween	...	...	...	...	...	...	...	...	
	Moulmein	5	6	5	...	...	...	1	1	
	Sessions Judge of Moulmein ...	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim ...	...	...	...	...	...	...	...	...	
	Total ...	11	12	10	...	...	1	1	1	
	Grand Total ...	56	98	77	2	...	6	7	8	

30. *Cases called for by the Judicial Commissioner on his own Motion under Section 435, Criminal Procedure Code.*

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	83	104	80	...	3	6	10	15	
	Kyaukpyu	43	58	43	...	9	3	3	3	
	Sandoway	19	22	15	...	1	2	4	4	
	Northern Arakan ...	4	7	4	...	...	3	...	...	
	Sessions Judge of Arakan	2	2	1	1	...	...	...	...	
	Total ...	151	193	143	1	13	14	17	22	
Pegu.	Hanthawaddy... ...	99	215	156	...	4	1	24	54	
	Pegu	52	66	53	1	5	2	3	5	
	Tharrawaddy	136	176	123	...	12	11	21	30	
	Prome	194	262	163	1	5	11	50	82	
	Sessions Judge of Pegu ...	2	2	1	1	...	...	...	...	
	Total ...	483	721	496	3	26	25	98	171	
Irrawaddy.	Henzada	93	139	67	...	1	11	36	60	
	Bassein	114	166	88	1	5	3	44	69	
	Thôngwa	71	115	77	...	1	4	27	33	
	Thayetmyo	49	67	27	...	1	1	24	38	
	Sessions Judge of Irrawaddy.	...	...	...	...	...	...	...	...	
	Total ...	327	487	259	1	8	19	131	200	
Tenasserim.	Amherst	93	122	97	...	3	1	19	21	
	Shwegyin	34	50	31	...	...	...	9	19	
	Toungoo	66	86	60	...	5	6	14	15	
	Tavoy	20	32	21	...	...	10	...	...	One new trial ordered.
	Mergui	19	28	21	...	2	...	2	5	
	Salween	4	9	9	...	...	...	...	...	
	Moulmein	26	36	29	...	1	...	5	6	
	Sessions Judge of Moulmein	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim	1	1	...	1	...	...	...	...	
	Total ...	263	364	268	1	11	17	49	66	One new trial ordered.
	Grand Total ...	1,224	1,765	1,166	6	58	75	295	459	One new trial ordered.

One thousand one hundred and forty-four cases, involving 1,752 persons, were examined by me in revision either at the instance of parties, or on reference by Judges and Magistrates, or on my own motion. The necessary orders were made pointing out errors of law and practice. The worst mistakes were translated, printed, and circulated. Besides these cases many files were examined at district record-rooms while I was on tour.

31. The next two tables show the revision work done by Sessions Judges and District Magistrates (1) on the application of parties or Government and (2) on their own motion :—

Result of Applications for Revision made to Sessions Judges and District Magistrates.

Class of Courts whose orders were the subject of revision.	Number of persons who applied for revision, including pending from previous year.	Number of persons with respect to whom: Applications were rejected or order confirmed.	Committal was ordered under section 436, Criminal Procedure Code.	Further enquiry was ordered under section 437, Criminal Procedure Code.	Reference was made to High Court under section 438 or to District Magistrate under section 435, Criminal Procedure Code.	Applications were pending.	Total.	Remarks.
I.—Subordinate Magistrates— (a) Special Magistrates, section 14, Criminal Procedure Code.	2	2	...	...	...	...	2	...
(b) Stipendiary Magistrates	85	46	...	11	24	4	85	...
(c) Honorary Magistrates including Benches.	10	10	...	...	...	...	10	..
II.—District Magistrates ...	14	12	...	...	2	...	14	...
Total ...	111	70	...	11	26	4	111	...

Revision Work done by Sessions Judges and Magistrates otherwise than on Application for Revision.

Revising Courts.	Number of cases called for and examined under section 435, Criminal Procedure Code.	Number of cases in which committal was ordered under section 436, Criminal Procedure Code.	Number of cases in which further enquiry was ordered under section 437, Criminal Procedure Code.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, Criminal Procedure Code.	Pending cases.	Remarks.
Sessions Courts	573	...	1	76	97	...
District Magistrates	1,096	...	2	78	40	..
Subdivisional Magistrates specially empowered under section 435, Criminal Procedure Code.	...	...	...	...	...	...
Total ...	1,669	...	3	154	137	...

This table shows an improvement on the work of 1885, in which 1,552 cases were called for by Sessions Judges and District Magistrates. Much, however, remains to be done in revision. Last year was an exceptionally trying one. I believe this accounts for the small outcome shown here. The District Magistrates must know from the appeals where the worst work is to be found. Where the disturbance of sentences is greatest there the Magistrate should be most attentive in revision. In paragraph 25 I pointed out the districts in which

sentences of subordinate Magistrates were most frequently disturbed. I give below the number of cases called for in revision by the Magistrates of those districts :—

	Cases.
Salween	None.
Shwegyin	70
Tavoy...	12
Bassein	11
Thôngwa	38
Mergui	116
Toungoo	33

These figures show that, with the exception of Mergui, little or no revisional work was done where the results of appeals suggest the greatest need of it.

32. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Receipts and Charges of Criminal Process Establishment.

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges. Salaries of process-serving establishment.	Charges. Contingencies, &c.	Remarks.
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan.	Akyab	2,592	1,897 0 0	2,098 7 0	141 4 0	
	Kyaukpyu	956	643 0 0	585 12 0	111 8 0	
	Sandoway	426	288 0 0	264 0 0	12 8 0	
	Northern Arakan	11	...	...	...	
	Total ...	3,985	2,828 0 0	2,948 3 0	265 4 0	
Pegu.	Hanthawaddy	948	869 8 0	502 0 0	372 11 10	
	Pegu	2,724	1,133 14 0	1,008 0 0	2 14 0	
	Tharrawaddy	1,032	734 3 0	692 10 0	4 11 6	
	Prome	2,213	1,499 0 0	1,884 0 0	...	
	Total ..	6,917	4,236 9 0	4,086 10 0	380 5 4	
Irrawaddy.	Henzada ...	6,575	1,927 4 0	1,975 14 0	35 4 0	
	Bassein	3,720	2,693 8 0	1,560 0 0	115 8 0	
	Thôngwa	2,403	1,865 3 0	852 0 0	129 15 0	
	Thayetmyo	1,328	896 0 0	528 0 0	...	
	Total ...	14,026	7,381 15 0	4,915 14 0	280 11 0	
Tenasserim.	Amherst	2,601	1,659 12 0	504 8 4	18 9 0	
	Shwegyin	809	912 8 0	804 0 0	267 6 3	
	Toungoo	1,212	804 0 0	720 0 0	5 0 0	
	Tavoy	708	566 0 0	312 0 0	...	
	Mergui ...	743	524 8 0	168 0 0	...	
	Salween	93	60 8 0	...	...	
	Moulmein	3,334	2,747 0 0	1,572 0 0	60 13 0	
	Total ...	9,500	7,271 4 0	4,080 8 4	351 12 3	
	Grand Total ...	34,428	21,720 12 0	16,031 3 4	1,278 0 7	

33. During the year I visited the districts of Akyab, Kyaukpyu, Tavoy, Moulmein, Amherst, Prome, Thayetmyo, Toungoo, and inspected all the Courts at the headquarters of these districts.

34. In my Civil Justice Report I give the names of officers who have done commendable inspection work.

35. I have been in charge of the office throughout the year.

W. F. MERES,

Officiating Judicial Commissioner, Lower Burma.

APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in Lower Burma on the last day of the year 1886 with the Cost of Tribunals.

Name of Province.		Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Court of prov. Inco.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	Total number of cases decided. Original. Regular	Original. Miscellaneous.	Appeals. Regular	Appeals. Miscellaneous.	Total receipts of the Courts	Total charges of the Courts.	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
		Sq. miles.														Rs. A. P.	Rs A. P.	
Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	..	..	...	..	..	..	..	...	.....	..	
	Criminal.	87,220	3,736,771	6	20	36	3	5	20	25	173	37,567	435	3,358	2,924*	3,01,629 3 11	6,45,925 15 10	
	Revenue...	...	...	...	...	...	...	..	...	...	..	..		...	.	. ..	.	
Territory not subject to the High Court.	Civil ...	...	...	...	..	...	...	...	..	...	...	...	...	..	..	. . .	.	
	Criminal...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	. . . .	. . . .	
	Revenue.	...	...	.	...	...	...	...	...	...		...		.	...	.....		
Total ...		87,220	3,736,771	6	20	36	3	5	20	25	173	37,567	435	3,358	2,924*	3,01,629 3 11	6,45,925 15 10	

Grades of Judicial Officers.		European	Native.
Officers exercising both original and appellate jurisdiction.	Judicial Commissioner	1	...
	Recorder of Rangoon ...	1	..
	Additional Recorder ...	1	...
	Sessions Judges ...	4	...
	Judge of Moulmein ...	...	1
	District Magistrates ...	20	...
Officers exercising original jurisdiction only.	Assistant Commissioners	18	1
	Extra Assistant Commissioners.	5	20
	Myoôks	4	81
	Cantonment Magistrates	3	...
	Special Magistrates ..	1	1
	Honorary Magistrates ...	1	63

* Revisions.

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of Offences Reported and of Persons Tried, Convicted, and Acquitted of each Class of Offence in Lower Burma in the year 1886.

Description of offence	Number of offences reported	Number of cases returned as true	Number of cases brought to trial during the year.	Number of persons. Under trial during the year including pending from previous year	Acquitted or discharged.	Convicted	Died, escaped, or transferred to another province	Remaining under trial	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	184	161	167	917	221	174	19	2	501 committed and referred.
Offences relating to the Army and Navy, Chapter VII	5	5	2	1	1	.	..	.	9 committed and referred.
Offences against the public tranquillity, Chapter VIII	397	379	370	1,694	641	1,023	1	20	6 ditto.
Offences by, or relating to, public servants, Chapter IX	136	124	128	186	91	81	1	7	
Contempts of the lawful authority of pubic servants, Chapter X	233	218	221	435	161	248	4	22	
False evidence and offences against public justice, Chapter XI	669	626	616	902	348	497	4	28	25 committed and referred.
Offences relating to coin and Government stamps, Chapter XII	20	17	18	26	17	7	..	...	2 committed.
Offences relating to weights and measures, Chapter XIII	12	11	10	16	3	13	.	.	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	1,236	1,139	1,112	2,102	596	1,476	9	18	3 committed and referred.
Offences relating to religion, Chapter XV	24	21	21	44	19	17	2	..	6 ditto.
Offences affecting the human body, Chapter XVI: Offences affecting life	380	351	288	464	126	56	2	12	268 ditto.
Offences affecting the human body, Chapter XVI: Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	6	4	3	5	3	.	...	.	2 ditto.
Offences affecting the human body, Chapter XVI: Hurt	2,106	1,909	1,785	2,810	1,547	1,073	20	115	55 ditto
Offences affecting the human body, Chapter XVI: Wrongful restraint and wrongful confinement	136	112	105	170	119	47	...	1	3 ditto.
Offences affecting the human body, Chapter XVI: Criminal force and assault	3,969	3,701	3,657	6,879	3,552	3,184	22	110	11 ditto.
Offences affecting the human body, Chapter XVI: Kidnapping, forcible abduction, slavery, and forced labour	118	93	87	145	91	38	3	...	13 ditto.
Offences affecting the human body, Chapter XVI: Rape	144	116	96	115	61	14	1	4	35 ditto.
Offences affecting the human body, Chapter XVI: Unnatural offence	10	8	8	10	5	1	.	1	3 ditto.
Offences against property, Chapter XVII: Theft	10,196	9,222	5,638	7,662	2,700	4,292	25	86	569 ditto.
Offences against property, Chapter XVII: Extortion	68	78	83	178	106	65	2	2	3 ditto.
Offences against property, Chapter XVII: Robbery and dacoity	2,894	2,745	1,180	3,370	1,232	1,008	47	111	972 ditto.
Offences against property, Chapter XVII: Criminal misappropriation of property	201	168	169	293	165	113	..	4	11 ditto.
Offences against property, Chapter XVII: Criminal breach of trust	359	311	300	347	186	136	..	8	17 ditto.
Offences against property, Chapter XVII: Receiving of stolen property	382	363	333	543	188	300	...	14	41 ditto.
Offences against property, Chapter XVII: Cheating	166	144	152	209	125	77	2	4	1 committed.
Offences against property, Chapter XVII: Fraudulent deeds and disposition of property	14	14	13	19	10	5	..		4 committed and referred.
Offences against property, Chapter XVII: Mischief	709	612	511	938	660	237	2	12	27 ditto.
Offences against property, Chapter XVII: Criminal trespass	1,621	1,423	1,272	1,870	1,000	748	2	39	61 ditto.
Offences relating to documents and to trade or property-marks, Chapter XVIII	29	28	26	45	31	11	...	3	
Criminal breach of contracts of service, Chapter XIX	21	19	18	25	20	4	.	..	1 committed and referred.
Offences relating to marriage, Chapter XX	204	184	198	214	162	21	4	17	10 ditto.
Defamation, Chapter XXI	97	94	87	114	84	25	.	5	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,004	1,868	1,863	2,602	1,718	818	13	49	4 committed and referred.
Offences under special and local laws	17,311	16,848	16,696	29,149	6,296	22,491	57	191	114 referred.
Total	46,121	43,116	37,253	64,499	22,285	38,290	242*	885	2,797 committed and referred.

* 71 died, 134 escaped, 36 absconded, 1 sent to Lunatic Asylum

JUDICIAL STATEMENT No. 2A (CRIMINAL).

Statement showing the General Result of the Trial of European British Subjects in Lower Burma in the year 1886.

Description of offence.	Number of persons accused and brought before a Magistrate. Remaining at the close of the previous year.	Within the year. On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b) of the Code.	By Magistrate *suo motu*, section 191 (c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of. By District Magistrates and other 1st class Magistrates. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Sessions.	To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 16 and 18.	By Courts of Session. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court. Convicted.	Acquitted.	Total.	Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of Cases. Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 456 of the Code.	Of those entered in column 5, number who applied under section 2, Act III of 1884, for transfer or commital of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences by or relating to public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
False evidence and offences against public justice, Chapter XI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	3	10	...	...	13	...	13	...	7	6	...	...	...	13	...	...	...	...	...	...	...	...	7	6	13	...	11	11	...	...	...	...
Wrongful restraint and wrongful confinement	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Criminal force and assault	...	13	1	...	...	14	...	13	1	5	9	...	...	...	14	...	...	...	...	...	...	...	...	5	9	14	...	11	11	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence	...	...	2	...	...	2	...	2	...	...	...	...	2	...	2	...	...	...	...	...	1	1	2	1	1	2	...	1	1	...	...	...	...
Offences against property, Chapter XVII. — Theft	...	...	4	...	...	4	...	4	...	2	2	...	...	...	4	...	...	...	...	...	...	...	...	2	2	4	...	3	3	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of trust	...	1	1	...	...	2	...	2	...	...	1	1	...	...	2	...	1	...	...	1	...	...	...	1	1	2	...	2	2	...	...	...	...
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	4	...	...	...	4	...	4	...	1	3	...	...	...	4	...	...	...	...	...	...	...	...	1	3	4	...	4	4	...	...	...	...
Criminal trespass	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...	...
Offences relating to documents and to trade or property-marks, Chapter XVIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of contracts of service, Chapter XIX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Defamation, Chapter XXI	...	2	...	...	...	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	2	...	2	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII	...	4	...	...	...	4	...	4	...	3	1	...	...	...	4	...	...	...	...	...	...	...	...	3	1	4	...	3	3	...	...	...	...
Offences under special and local laws	...	19	340	1	...	360	...	360	...	271	89	...	...	...	360	...	...	...	...	...	...	...	...	271	89	360	...	285	285	...	...	...	...
Total	...	47	359	1	...	407	...	406	1	290	112	1	2	...	405	...	1	...	...	1	1	1	2	292	113	405	2	324	322	2	...	...	...

Subsidiary table.

Description of offence.	35. Of the total number of persons shown in Column 16. Number who claimed to be tried by a mixed jury, section 451A (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 451B of the Code.	Column 21. Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Columns 21 and 24. Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	36. Of cases shown in column 30. Disposed of by Magistrates. Being European British subjects.	Other than European British subjects.	Disposed of by Sessions Judges. Being European British subjects.	Other than European British subjects.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Offences against property, Chapter XVII. — Criminal trespass	...	405	...	...	...	...	3	312	8	2	...

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in Lower Burma during 1886.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VI C and section 485	6	10	3	7	
2.—Proceedings under Chapter VIII to prevent breach of the peace	65	124	59	65	
3.—Proceedings under Chapter VIII, security for good behaviour	3,213	3,354	891	2,442	7 cases and 7 persons pending. 9 persons in 3 cases absconded. 4 cases and 4 persons referred. 1 person in 1 case died.
4.—Proceedings against local nuisances, Chapter X	13	15	9	6	
5.—Possession, Chapter XII	3	9	3	6	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	27	27	8	19	
7.—Non-attendance of Jurors or Assessors, Chapter XXIII	16	21	8	13	
8.—Maintenance, Chapter XXXVI	233	231	96		
9.—Forfeiture of bail or recognizance under Chapter XLII	143	269	111	131	4 cases and 4 persons pending.
				154	2 cases and 4 persons pending.
Total ...	3,723	4,060	1,188	2,843	13 cases and 15 persons pending. 4 cases and 4 persons referred. 9 persons in 3 cases absconded. 1 person in 1 case died.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in Lower Burma in the year 1886.

Class of Tribunal.	Total number of persons under trial	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remark
		Died, escaped, or transferred to another province.	Discharged or acquitted	Convicted		Committed or referred					
				On regular trial	On summary trial						
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	..	..	...	.	..	...	.		...	...	
Subordinate Magistrates ... Special Magistrates under section 14 ...	890	1	156	701	30	1	1	508	2·	968	
Subordinate Magistrates ... Honorary Magistrates sitting singly .	...	.	...	..	..	.	...		..	..	
Subordinate Magistrates ... Stipendiary Magistrates sitting singly ...	45,865	189	16,493	20,401	6,299	1,882	601	26,902	6·	90,125	
Subordinate Magistrates ... Benches of Magistrates	11,408		3,632	1,801	5,879	5	91	5,872	3·	4,880	
District and Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.	806	1	192	565	3	11	14	574	5·	...	
Chief Magistrates of Districts	5,530	51	1,812	1,974	617	898	178	2,909	10·	14,483	
Courts of Sessions	1,840	32	475	1,216	.	68	49	722	38·	3,602	
Superior Courts	112	.	17	88		..	7	80	31·	5	
Total ...	66,451	274	22,777	26,766	12,828	2,865	941	37,567	6	114,063	

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the Punishments inflicted by the various Criminal Tribunals in Lower Burma in the year 1886.

Class of Tribunal	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																
				IMPRISONMENT							FINE									IMPRISONMENT					WHIPPED.			
	Death.	Transportation	Penal servitude	Rigorous	Simple.	Forfeiture of property	Fine	Whipping	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour	Rs. 10 and under.	Rs 50 and under	Rs. 100 and under	Rs 500 and under.	Rs 1,000 and under	Above Rs. 1,000	Total amount of fines imposed during the year.	Total amount of fines realized during the year	Amount paid by way of Compensation.	Fifteen days and under	Six months and under.	Two years and under	Seven years and under.	Above 7 years.	Ten stripes and under	Twenty stripes and under.	Thirty stripes and under	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A P	Rs. A. P	Rs A. P.									
Village Officers	...	...	.	...	...		..	..		...						...		.	. .		...	.	...	...	...	..	...	.
Subordinate Magistrates. Special Magistrates under section 14 ...	...	...	..	68	18	2	637	7	1	...	528	109	.			...	4,114 8 0	4,097 15 0	15 0 0	59	18	7	2	.	4	3	...	..
Subordinate Magistrates. Honorary Magistrates sitting singly .	...	...	...	.	...		.			..	.	.		.	.	.	.	...	...			.		...	.	...	...	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly ...	...	311	.	5,855	176	4	18,157	1,226	2,149	1,337	12,233	5,134	599	185	6	.	2,83,392 7 0	2,11,684 5 6	28,743 13 11	674	4,887	1,600	177	32	241	574	411	6
Subordinate Magistrates. Benches of Magistrates	...	..	..	36	5		7,633	13	..		7,401	232		.	.	.	17,930 4 3	16,491 12 0	1,058 5 4	28	13		...	...	2	11	..	...
District and Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code ...	...	.	...	501	2	..	89	86	14	14	18	60	7	4	.	..	3,902 2 0	1,194 2 0	100 0 0	4	129	369	15	...	4	42	40	4
Chief Magistrates of Districts	...	387	..	1,098	25	..	816	96	338	287	456	262	52	42	4	..	30,625 10 0	16,385 13 3	810 14 0	74	465	459	400	12	10	45	41	3
Courts of Sessions ...	.	731	..	443	6	35	13	32	5		..	4	2	6	1	..	4,565 0 0	959 14 6	. .	6	21	28	363	33	...	1	31	1
Superior Courts	66	21	...	1		14	.	..	...		...			..	.	...	.	.	. ....	...		...	1	.	...	...	...	
Total ...	66	1,450	...	8,002	232	55	27,345	1,460	2,507	1,638	20,636	5,801	660	237	11	..	3,44,529 15 3	2,50,813 14 3	30,728 1 3	845	5,533	2,463	958	77	261	676	523	14

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing the Whippings inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other Punishments in Lower Burma for the year 1886.

Offences for which awarded		Number of stripes awarded: 5 and under		6 to 10		11 to 15		16 to 20		21 to 25		26 to 30		Total	Remarks
		First conviction	Second or subsequent conviction	First conviction.	Second or subsequent conviction	First conviction	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction	Second or subsequent conviction.	First conviction	Second or subsequent conviction		
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI, 1864)—															
1—Theft as defined in	section 378 I P C	5		108	4	85	43	63	30	33	1	77	16	465	
	section 380 do	9		106	5	105	15	132	33	64		116	7	592	
	section 381, do			1			2	6		2		7		18	
	section 382, do														
2.—Extortion as defined in	section 388, do														
	section 389 do	.									.				
3—Dishonestly receiving stolen property as defined in	section 411, do			1		4		5	1	2		7		20	
	section 412, do									1				1	
4—Lurking house trespass as defined in section 443 I P C								.							
5—Lurking house trespass by night as defined in section 444, I P C				1										1	
6—House breaking as defined in section 445 I P C															
7—House breaking by night as defined in section 446 I P C								1				1		2	
8—Offence under section 14 Act III 1880															
9—Waging war as defined in section 121 I P C		.						6						6	
10—Robbery as defined in section 392 I P C			.										1	1	
11—Robbery with hurt, as defined in section 394 I P C									.			1		1	
12—Dacoity as defined in section 395, I P C								1				32	1	34	
13—Dacoity as defined in sections 397 and 400, I P C												4		4	
14—Mischief, as defined in section 436, I P C					.							1	.	1	
15—Lurking house trespass as defined in section 457, I P C												1		1	
Total		14		217	9	194	60	214	64	102	1	247	25	1 147	

PART II

Statement showing the Whippings inflicted in addition to other Punishments, Sections 3 and 4, Act VI of 1864 in Lower Burma for the year 1886.

Offences for which awarded		Number of stripes: 5 and under	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30.	Total	Remarks
1		2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4)—									
A—Section 3									
1—Theft as defined in	section 378, I P C		2	15	16	3	26	62	
	section 380, do		1	26	34	15	82	158	
	section 381, do			1				1	
	section 382, do								
2.—Extortion as defined in	section 388, do								
	section 389, do								
Carried over			3	42	50	18	108	221	

PART II.

Statement showing the Whippings inflicted in addition to other Punishments, Sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1886—concluded.

Offences for which awarded.		Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1		2	3	4	5	6	7	8	9
	Brought forward ...	...	3	42	50	18	108	221	
3.—Dishonestly receiving stolen property, as defined in	section 411, I. P. C. ...	...	...	...	...	...	2	2	
	section 412, do. ..	...	...	...	...	...	...	..	
4.—Lurking house-trespass, as defined in	section 443, do. ...	...	...	...	...	...	...	...	
5.—Lurking house-trespass by night, as defined in	section 444, do. ...	...	...	...	...	1	...	1	
6.—House-breaking, as defined in ...	section 445, do. ...	...	...	...	...	...	...	...	
7.—House-breaking by night, as defined in	section 446, do. ...	...	...	1	...	...	...	1	
8.—Offence under	section 14, Act III, 1880 ..	...	...	...	...	...	...	...	
B.—Section 4.									
1.—False evidence, as defined in ...	section 193, I. P. C. ...	...	...	...	...	...	.	...	
	section 194, do. ...	...	...	...	...	...	...	...	
	section 195, do. ...	...	...	...	...	...	...	...	
2.—False charge of unnatural offence, as defined in	section 211, do. and 377, do. ...	...	...	...	..	...	...	...	
3.—Assault, as defined in	section 354, do. ...	...	...	...	...	...	...	...	
4.—Rape, as defined in	section 375, do. ...	...	...	...	...	...	...	...	
5.—Hurt, as defined in	section 326, do. ...	...	...	1	...	...	...	1	
6.—Robbery, as defined in	section 390, do. ...	...	...	...	...	...	...	...	
7.—Dacoity, as defined in	section 395, do. ...	...	...	...	...	...	5	5	
8.—Attempt at robbery, as defined in ...	section 393, do. ...	...	...	...	...	...	...	...	
9.—Hurt in committing robbery, as defined in	section 394, do ...	...	...	1	...	3	...	4	
10.—Receiving stolen property, as defined in	section 413, do. ...	...	...	...	...	...	...	...	
11.—Forgery, as defined in	section 463, do. ...	...	..	...	...	...	...	...	
	section 466, do. ...	...	...	...	...	...	...	...	
	section 467, do. ...	...	.	...	...	...	...	...	
	section 468, do. ...	...	...	...	...	...	...	...	
	section 469, do. ...	...	...	...	...	...	...	...	
12.—Lurking house-trespass, as defined in	section 443, do. .	...	...	...	...	...	...	...	
13.—Lurking house-trespass by night, as defined in	section 444, do. ...	...	...	...	...	...	...	...	
14.—House-breaking, as defined in ...	section 445, do. ...	...	..	...	...	...	...	...	
15.—House-breaking by night as defined in	section 457, do. ...	...	...	...	1	...	3	4	
	Total ...	...	3	45	51	22	118	230	

PART III.

Showing Whippings inflicted under Section 5, Act VI of 1864, on Juveniles for Offences other than those specified in Parts I & II in Lower Burma for the year 1886.

Offences.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 193, I P. C.	...	...	...	...	2	...	...	...	...	...	...	...	2	
Do. 249, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 323, do.	1	...	...	...	...	..	1	...	...	...	...	...	2	
Do. 324, do.	1	...	3	...	4	...	...	...	...	...	...	...	8	
Do. 325, do. ...	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 352, do.	1	...	1	...	...	...	...	...	...	...	...	...	2	
Do. 354, do. and ... Do. 5, Act VI of 1864 ..	...	...	1	...	1	...	3	...	...	...	...	...	5	
Do. 376, I P. C.	...	...	...	..	1	...	...	...	...	...	...	...	1	
Do. 379, &c., do.	1	...	6	..	9	13	4	..	2	1	...	...	36	
Do. 471, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 431, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 448, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 451, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 456 & 457, do.	...	...	...	...	3	...	...	...	...	...	...	...	3	
Do. 511, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Railway Act IV of 1879	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section 160, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 215, do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
Do. 224, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 205, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 392, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 395, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 408, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 411, do.	...	...	...	...	1	...	1	...	1	...	...	...	3	
Do. 400, do.	...	...	...	..	1	...	...	...	...	...	...	...	1	
Do. 454, do.	...	...	...	...	...	...	1	...	...	...	1	...	2	
Total ...	5	...	13	...	22	13	13	...	3	1	4	...	74	

PART IV.

Showing relative Number of times Whipping was Awarded as compared with other Punishments in Lower Burma for the year 1886.

Punishments.	Number.	Remarks.
1	2	3
Total number of whippings awarded	1,460	
Total number of other punishments	30,304	
Percentage of Whippings ...	3·71	

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the Result of Appeal and Revision in Criminal Cases in Lower Burma in the year 1886.

Class of Tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts	832	...	49	456	...	123	167	3	5	11	19	9·	
To Courts of Sessions	1,910	1	936	466	...	152	212	3	31	...	109	17·	
To Superior Courts ... By persons convicted	1,953	1	790	454	...	116	274	...	15	...	303	41·	
To Superior Courts ... By Government from judgments of acquittal ...	1	...	1	...	...	...	...	...	...	...	...	80·	
Total ...	4,696	2*	1,776	1,375	...	391	653	6	51	11	431	24·	* 2 died.
Revision.													
By Chief Magistrates of districts	1,912	...	21	1,679	...	...	...	...	6	145	61	13·	
By Courts of Sessions	1,054	...	153	555	...	2	11	1	10	179	143	22·	
By Superior Courts	2,252	...	78	1,338	11	126	168	5	27	..	499	58·	
Total ...	5,218	...	252	3,572	11	128	179	6	43	324	703	33·	
GRAND TOTAL ...	9,914	2*	2,028	4,947	11	519	832	12	94	335	1,134	28·	* 2 died.

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Statement showing use of Jurors and Assessors in the Criminal Courts in Lower Burma in the year 1886.

Classes of Courts in which Jurors or Assessors are employed.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS. Cases in which the Judge approved of the verdict.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Wholly.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Partially.	JURY TRIALS. Number of persons of the verdict, in respect to whom the Judge disapproved. Whose cases he referred under section 307, C. P. Code.	JURY TRIALS. Number of persons of the verdict, in respect to whom the Judge disapproved. Whose cases he did not refer under section 307, C. P. Code.	ASSESSORS TRIALS. Number of cases in which Judge agreed with assessors.	ASSESSORS TRIALS. Number of cases in which Judge differed from. One assessor.	ASSESSORS TRIALS. Number of cases in which Judge differed from. Both assessors.	Remarks
1		2	3	4	5	6	7	8	9	10	11	12	13
Criminal Courts.													
Magistrates' Courts under Chapter X, C. P. Code.	Jurors ...	...	...	...	..	...	...	...	...	...	...	...	
Courts of Session	Jurors ...	5	55	...	55	...	...	...	...	...	...	...	4 cases withdrawn.
	Assessors ...	2	...	457*	...	...	...	...	...	275	38	144	*Includes 49 cases tried by Magistrates under the Lower Burma Gaols Delivery Act.
High Court, Original Criminal Jurisdiction.	Jurors ...	5	1	...	1	...	...	...	...	...	...	...	
	Total ...	5 and 2	56	457	56	...	...	...	...	275	38	144	